HIGH SCHOOL CIVICS

A brief treatment of the Civics section of History 3

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Professor of History
University of Minnesota
formerly
Professor of History
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Authorized for use in the Schools of Alberta by

THE HONOURABLE PERREN BAKER, Minister of Education.

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INTRODUCTION.

Experience seems to have shown that the outline of and reference readings for the Alberta high school course in civics published in the Handbook for Secondary Schools should be supplemented by a text. Therefore this little manual has been prepared. It follows the above outline as closely as possible and attempts to present the contents of the prescribed course so that it may be taught within the allotted time.

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CHAPTER I.

THE IMPERIAL GOVERNMENT.

Government is necessary to enable people to live together in civilized society. Without it neither life nor property would be safe, and we should live in anarchy. To explain more clearly what government is, it is common to divide it into three functions. The legislative function is the making of law; the executive function is the execution or carrying out of the law; and the judicial function is the particular interpretation of the law whenever it is disputed or violated.

In Canada, every one lives under several sets of laws: laws of the municipality, laws of the province, laws of the Dominion and laws of Great Britain. As all the laws which are applied in Canada are derived from Great Britain, directly or indirectly, an examination of the British constitution, or the Imperial Government, is the logical way to begin a study of how Canada is governed.

The King is the centre of the government, being the head of the legislature, the head of the executive, and the head of the judicature. For a long time, he really had all the authority which these positions would imply. The Tudor monarchs did actually rule, but the Stuarts lost this great monarchal power by trying to use it against the interests and the will of the people. Royal authority never recovered from the shock administered by the execution of Charles 1. When his son, James II, tried to regain the lost power, he was driven from the realm, and William and Mary were enthroned in his place.

The Revolution of 1688 ended forever the days when Kings *ruled* in Britain. Thenceforth they have only *reigned,* that is, they have been merely the personification of government to the people at large. Since the Revolution, the office of monarch has been regulated by Act of Parliament. By the Act of Settlement of 1701, the crown is hereditary, descending through male heirs, and only on their failure through female heirs. By the same law, any one who is or becomes a Roman Catholic, or who marries a Roman Catholic, cannot wear or inherit the crown. By similar authority, every King at his coronation is forced to take an oath to govern the United Kingdom and the Dominions "according to the statutes in Parliament agreed on, and the respective laws and customs of the same." Thus does the King now acknowledge what in earlier times he always denied—that he is inferior to the law.

THE LEGISLATURE.

The legislature is the body which performs the legislative function. The legislature of Great Britain is called Parliament. It consists of the King, the House of Lords, and the House of Commons, although the word Parliament is often applied only to the two Houses.

The King.

Parliament meets when the King summons it and ceases to exist when he dissolves it. He creates new peers, that is, new members of the House of Lords. Every bill which passes the two Houses must receive his assent before it can become an Act, that is, a law made by Parliament. Indeed, every Act of Parliament states that it is made by the King with the consent of the Lords and the Commons. Thus it would appear that the royal will controls the life of Parliament, the composition of one of its Houses, and the legislation which both pass. We know, however, that this is no longer true. The Tudors did control Parliament in these and other ways, but the Stuart attempt to follow Tudor precedent cost one King his head and another his crown. Since the Revolution finally robbed the King of his commanding power, the royal summoning and dissolution of Parliament has been a mere form, and the royal creation of new peers has been ultimately under the control of the majority of the House of Commons. The royal veto, or refusal to assent to a bill, survived the Revolution, but expired soon afterwards. Queen Anne was the last to use it, and that was in 1707. Thus the royal assent is also a mere form, being given to every bill that passes the two Houses, and the whole monarchal element of Parliament has lost all its power.

The House of Lords.

Long before the appearance of Parliament, the King passed laws with the advice of his great landowners and officials. This body of advisers was called the Witan until the Norman Conquest, and then it came to be known as the Great Council. It included clergymen as well as laymen, for bishops and abbots were among the greatest landholders in the realm. In the thirteenth century, the King enlarged this body by summoning representatives of the shires and the towns. It was then that the name Parliament, from the French *parler,* to speak, came into use. By the middle of the

fourteenth century, all these people ceased to meet and deliberate as one body. Thenceforth Parliament was bicameral, which means that its members were divided into two bodies sitting in different rooms, or chambers. One body comprised the great nobles and churchmen, and was therefore a continuation of the Great Council. This came to be known as the House of Lords; the other as the House of Commons.

Through the Middle Ages, the nobles came to be distinguished by titles which were conferred by the King. Thus we have five ranks, or grades of nobility, namely, duke, marquis, earl, viscount and baron. In unofficial usage, it is now customary to use the title "Lord" for all members of the peerage except those of the highest rank, who are always referred to by their distinguishing title of "Duke." Each title is inherited by only one person, the male heir.

During the Middle Ages, the churchmen, who of course were not hereditary members of the House of Lords, usually outnumbered the laymen. The Reformation reversed the proportion, by destroying the monasteries and eliminating the abbots who had been at the head of them. The bishops, however, continued to sit, for the Reformation did not abolish them. But as the growth of the country necessitated the creation of more bishops, a law was passed allowing only the twenty-six senior bishops to be members of the House of Lords. In the nineteenth century, four law lords, chosen from the most eminent and experienced judges, were added to strengthen its judicial function, for the House of Lords is the final court of appeal for the United Kingdom. Like the bishops, these law lords transmit to their heirs neither their titles nor their seats. The only other non-hereditary members of the House are sixteen Scottish and twent-eight Irish peers (only 18 now remaining), who were added when the old Parliaments of Scotland and of Ireland were united with that of England. As the total membership of the House is nearly six hundred, it will be seen that the hereditary element is many times more numerous than the other.

With one exception to be noted later, the House of Lords and the House of Commons were theoretically equal in power. In practice, the will of the upper chamber usually dominated that of the lower until the end of the Middle Ages, when their relations began to be reversed. The House of Lords was abolished when Charles I was executed, because most of its

members had supported him in the Civil War. Although restored with the King in 1660, the upper chamber never wholly recovered from this blow, but has always remained subordinate to the other chamber. At times it has tried to block the Commons' will, but it has been forced to yield. For two hundred years this was achieved through the royal prerogative of creating enough new peers to overcome the resistance of the old peers. Only once, in the beginning of 1712, was the prerogative actively exercised in this way; but twice it has been used passively to achieve the same end. The Great Reform Bill of 1832 and the Parliament Act of 1911 were both forced through an unwilling House of Lords by the mere threat of the creation of a sufficient number of new peers to carry these measures. The latter Act did away with this necessity by limiting the power of the upper chamber in another way. By the Parliament Act, a money bill becomes law one month after it has passed the House of Commons, even if the Lords refuse their consent, and any other bill rejected by the Lords becomes law when it has passed the Commons in three successive sessions, provided two years elapse between the second reading in the first session and the third reading in the last. Thus the only legislative function left to the aristocratic chamber is to debate public questions, to suggest bills and amendments to bills, and to delay legislation until it has been thoroughly discussed.

The House of Commons.

The House of Commons owes its origin not to any desire of the people to govern, but to the anxiety of the King to strengthen his own hands. King John, of evil fame, was the first English ruler who thus appealed to the people. He summoned representatives of the shires, hoping that they would support him against the barons who had risen in armed revolt. We do not know if these representatives ever met. John may have countermanded his order on learning that they also would oppose him. During the reign of his son, Henry III, there was another combination of nobles against the King, and this time both sides sought to strengthen themselves by appealing to the people. Then came Edward I, who has been called the "Father of the English Parliament." Like those before him, he did not intend to give the people power, but rather that they should give *him* power. He was in great straits, facing strong enemies abroad and being short of money

at home. He wanted the people's money and their backing against his enemies. Thus Parliament originated. Why it survived is another question.

There is no evidence that Edward I intended to found a permanent institution. Other European rulers at that time were doing much the same thing as the King of England, but when they gained what they wanted from the representatives whom they gathered together, they ceased summoning them. Edward I might have followed their example, if he had lived and surmounted his difficulties; but he died without extricating himself, and his good natured but incapable son was too weak to abandon the representative principle. Thus it had an opportunity to take root. It began to strike deeper root when the newly formed Parliament split into two houses by the separation of the new from the old elements. In other countries, the division followed other lines. On the continent, those corresponding to the English "knights" of the shire, who were really the lesser nobility, commonly became fused with the older body of the greater nobles. Had this happened in England, the "burgesses" of the towns would probably have been too weak to amount to anything. Chiefly for these two reasons, Edward II's weakness and the unique combination of town and country representatives, England alone secured and preserved a real Parliament.

In time this representative principle worked in the very opposite way to that which had been intended. Instead of making the people give the King more power, it made him give them more and more power, until today they have almost all and he has almost none. The key to this unforseen evolution is money. Before there were two distinct Houses, each part of Parliament agreed separately to the taxes which concerned it. The taxes for which the Lords' assent was necessary were only the taxes which they paid and were much less than those paid by the mass of the nation, for which the Commons' assent was required. Thus when Parliament came to meet regularly in two Houses, and taxes were imposed by a bill passed through both, the will of the Commons was held to prevail, and the superior power of the Commons in matters of taxation was established. This financial lever was to overturn the balance of the constitution. Until the end of the Tudor period, the monarch did not have to make a regular appeal to Parliament for money, because the revenue which he enjoyed independently of Parliament was commonly suf-

ficient for the ordinary needs of government. A great change came with the advent of the Stuarts. They were less careful managers than Elizabeth, and the general level of prices was rising. The expenses of government leaped up, but the revenue did not. Therefore the King fell into financial difficulties. At the very same time, he got out of harmony with the nation. Charles I tried to levy taxes by his sole authority and to shake himself free from Parliament. This action drove the House of Commons very reluctantly to claim what it had never claimed before—that it was the supreme authority in the land. Then it cut off the head of the King to prove it. Though the monarchy came back, no King ever again attempted to levy taxes against the will of Parliament. In the end, the royal power was strangled by the purse strings which the House of Commons held. Since the Revolution, it has been impossible to carry on the government of the country without the regular meeting of Parliament to provide the means.

For the most part, Lords and Commons co-operated to reduce the royal power and to advance that of Parliament. At first, except in money matters, the Lords took the lead; but later the Commons bore the brunt of the struggle. This change resulted from no opposition between them, but from an altered balance in the nation. While the feudal system lasted, the nobles were the most powerful element in society. But this system crumbled at the close of the Middle Ages, and the development of modern trade and industry produced another powerful element—the rising middle class, who really composed the House of Commons. Hence the lower chamber tended to become the more important of the two; until today, as we have seen, it quite overshadows its more ancient partner.

The House of Commons has not always represented the people as continuously and as completely as it does today. For a long time there was nothing to prevent the same House of Commons meeting year after year, even when it had ceased to represent the electorate. This defect was removed after the Revolution by a law limiting the life of Parliament to three years. This period was later lengthened to seven years, and finally, in 1911, shortened to five years. This does not mean that the House of Commons is elected only once in five years, for the King, on the advice of his Ministers, may dissolve Parliament at any time and call for new elections. Very rarely does a Parliament live out its legal span of years.

For a long time, also, only a minority of the people had the right to vote. The county members were elected by men who owned land worth forty shillings a year, and the town or borough members were returned for the most part by the wealthier inhabitants. This may seen unjust today, but nobody then believed in democracy. Democracy had died centuries before, and was not to be reborn until the industrial revolution gathered large numbers of wage-earners into manufacturing centres. There they gradually came to demand a voice in controlling the political life of the nation. Many of these new populous centres, such as Manchester, grew up in the latter part of the eighteenth century, and had no representation in Parliament because there had been no change in the constituencies, while some of the older but very small towns had the right to elect members. In other words, the country had outgrown its electoral system. Therefore a demand for reform arose. But the French Revolution, because it began with reform and quickly burst into bloody anarchy, frightened Englishmen away from reform for a generation. Then came the Great Reform Bill of 1832, which was carried after a bitter struggle in the country and in spite of the opposition of the Lords. It rearranged the constituencies all over the country, taking away members from parts that were over-represented, and giving them to other parts that were under-represented or not represented at all, but it did not really extend the franchise, or right to vote. The masses were left where they had been, without any political power. Therefore they agitated as they had never done before, and in time their agitation bore fruit.

In 1866, Earl Russell, better known as Lord John Russell, proposed a new reform bill to extend the vote, but he could not carry it, owing to the desertion of some of his own followers and to the attacks of Disraeli, the opposition leader in the Commons. Thereupon Russell's government resigned and the opposition came into power. Then a surprising thing happened. The failure of the measure so exasperated the people that Disraeli who had just helped prevent the masses getting the vote, turned round and gave it to them because he feared a revolution if he did not. His measure of 1867, the Second Reform Bill, extended the franchise to include more than a million wage-earners in the towns. These were the first to be enfranchised, because the agitation which brought this change was centered in the urban population. The rural classes had to wait some years before they received the franchise. Then they got it be-

cause Gladstone believed it unjust to withhold from the country what had been given to the towns. His Reform Bill of 1884 added two million voters. Although the franchise was thus extended to the working class, it was not given to all. It was hedged about by qualifications, such as the ownership of a certain amount of property or the payment of so much rent. Not until 1918 was the right to vote given to all men over twenty-one years old. This introduction of manhood suffrage added two million to the voters' list. At the same time, women were granted the suffrage, but not on equal terms with the men. Only those over thirty years old were allowed to vote, but the government in 1928 did away with this inequality.

Thus has the democratic principle triumphed. The people now control the House of Commons, and through the House of Commons they also really control the King and the House of Lords.

THE EXECUTIVE

In popular usage, the executive is often referred to as "the government," although it is only the machinery for performing one of the three functions of government. The legislative function is not continuous, because it is only from time to time that new laws need to be made or old ones repealed. But the executive function is by nature continuous, for it is the management of the public affairs of the country from day to day.

Formal: The King.

All the laws of the land are administered, and the business of government conducted, in the King's name, upon the authority of documents bearing his signature or seal. These documents are of various kinds, and therefore go by different names, such as Order-in-Council, Proclamation, and Commission.

For a long time, the King actually directed the business of government, through officials whom he appointed and who carried out his orders. These officials were responsible solely to him, and he was responsible, so it was said, only to God. For many generations after it arose, Parliament did not assert any right to control the policy of the King, or his choice of officials, or Ministers, to carry out his policy. At times, however, this policy and these officials seemed particularly bad in the eyes of Parliament, and then Parliament tried to force the Executive into harmony with the legislature. To do this, it used two

instruments. One was the "power of the purse." By threatening to refuse the King money, Parliament might buy the temporary control of the royal policy or the dismissal of unpopular officials. The other instrument was impeachment—that is, a legal trial before the House of Lords as judges, with the House of Commons prosecuting. This was a clumsy weapon. To use it successfully against a bad Minister, the Commons would have to prove that he was a criminal. The Duke of Buckingham was a notoriously bad Minister of the Crown, but he was quite innocent of all the criminal charges which the Commons tried to bring against him. The misgovernment of the Stuarts forced Parliament to take and keep the ultimate control of the King's Ministers out of the King's hands. Then it was done, not by impeachment, but by the financial lever. The mere expulsion of the King in 1688 was not enough to ensure the responsibility of Ministers to Parliament. Something further was needed to prevent a second application of this drastic and dangerous remedy. This was provided by the settlement of the revenue after the Revolution. Thenceforth the King had so little revenue of his own that he could not think of carrying on the government without an annual vote from Parliament.

The King could never again defy the will of Parliament, but he still possessed considerable influence over the way in which the country was governed. William of Orange regularly presided over the body of Ministers who later came to be known as the Cabinet, and he chose them himself, of course keeping in mind the annual vote of Parliament. Though the office had not yet appeared, William was really his own Prime Minister. Moreover, he personally directed the foreign affairs of the nation, and acted as Commander-in-Chief of all the forces of the realm. For a quarter of a century after the Revolution, the monarch continued to be the real head of the government, subject to only a general control by Parliament. But this very active monarchy died with Anne in 1714.

The accession of the Hanoverian line was an important event in the growth of the British constitution. The new King, George I, was a German. His Majesty knew no English; his Ministers knew no German. Moreover, English politics were strange, and did not much interest George I. Therefore he let the Ministers deliberate by themselves. As his son, George II, was much the same, the custom of the Cabinet meeting without the King became so firmly established that it has been followed ever since. Thus, by happy accident, the King ceased to be the real head and became the figure head of the government.

The legal maxim, "the King can do no wrong," is a survival of the days when the King really ruled. Even when face to face with the misgovernment of Charles I, Parliament long insisted that bad advisers, rather than the King himself, were really to blame. This principle was dangerous until Parliament robbed it of its sting by robbing the King of his power. Now the King can do no wrong simply because he cannot do anything by himself. Though all government is yet conducted in his name and nominally by his order, all governmental acts are really the work of other people. Therefore they, and not the King, bear the full responsibility either in a law court or in Parliament, according to the nature of the case.

All this might suggest that a rubber stamp could be substituted for the Crown. But such a conclusion overlooks two very important functions which the King performs. As one of these is performed in private, the public catches only fleeting glimpses of it. This function arises from the fact that the King, as the head of the state, has the right to be informed of all that is going on. The Prime Minister reports to him the results of every Cabinet meeting, and nothing of importance is done behind his back. As parties change and governments come and go, while the King remains, he is the one repository of political knowledge in the state. Consequently he is sometimes able to give advice which the Prime Minister and his Cabinet, with their lesser knowledge, may regard as highly valuable. According to rumour or actual information that has leaked out, his advice has occasionally been of tremendous benefit to the country—even to the extent of preventing war. But only those who have sat in Cabinets know what suggestions the monarch has actually made, and their oaths of office seal their lips.

The other function is very public, but equally hard to estimate. It is the influence of the King as a living symbol. Although a few obey the law from fear of punishment, most obey from habit, and the habit rests upon their attitude, conscious or unconscious, toward their country and the government which looks after their welfare. Their habit of obedience, which is vital to the preservation of society, is strong or weak according as their notions of their country and its government are clear or vague. Here is perhaps the greatest value of the King. With all the majesty and historic memories which surround him, he catches the imagination of the people. In him, government is personified and stands forth as a living reality. Great as it is, this is not the whole symbolic value of the Crown. With the growth of self-government in various parts of the Empire,

Britishers the world over have been less and less able to see the unity of the Empire in the control of the Imperial government. Therefore they have been driven more and more to find a substitute in common loyalty to the King, the one centre and symbol of the whole Empire.

Political: the Cabinet and the Prime Minister.

The real government is the Cabinet. This institution has grown out of the Great Council from which the House of Lords sprang. The Great Council existed originally to advise the King on matters of government, but in time it became too large and unwieldy to answer this purpose. Thereupon the King formed an inner and smaller council which could meet regularly to assist him. This was called the Privy Council, to distinguish it from the old Great Council, which was more of a public body. It was through this Privy Council that the Tudors ruled England. Then history repeated itself. Under the Stuarts, the Privy Council grew too large, and from its midst arose another inner body which took over its functions. This soon came to be known as the Cabinet Council, that is, the council that met in the King's cabinet, or private room. It was an informal committee of the Privy Council, which continued to exist as a very formal body. The Cabinet of today is still legally a committee of the Privy Council, but in other respects it is very different from the Cabinet of the later seventeenth century. The fundamental principles which have governed the modern Cabinet were a growth of the eighteenth century.

The most essential feature of the modern cabinet is that it, and not the King, is really responsible to the people for the government of the country. As long as the monarch presided in person, he naturally guided the deliberations of the Cabinet and influenced its decisions. Therefore the exclusion of the monarch, which began with the accession of George I, is often referred to as the first principle of Cabinet government.

A second feature is that the Cabinet establishes and preserves harmony between the executive and the legislature. This has its roots in the revenue settlement on the morrow of the Revolution. Because he had to depend upon an annual vote by Parliament, the King had to choose such Ministers as Parliament would trust, or he would have failed to get the necessary funds. Thus Queen Anne was forced to select Whig Ministers, though she much preferred Tories. Even George III, who tried to recover some of the authority lost by his two predecessors, did

not dare violate this principle, and therefore, to get Ministers after his own heart, he strained all his personal influence to get a corresponding House of Commons.

That this harmony between executive and legislature may be as complete as possible, it has long been the rule for all Ministers to be members of Parliament. Before the Great Reform Bill, the House of Lords frequently contained more than half the Ministers; but since that time the most of them have always sat in the House of Commons. This rule, to which there have been few exceptions, was nearly blocked in the beginning by legislation against it. After the Revolution, Parliament was still so suspicious of the Crown that it inserted in the Act of Settlement a clause excluding from the House of Commons any one holding office and receiving a salary from the Crown. Had this remained the law, Cabinet Ministers would have been shut out of the House of Commons. Fortunately the clause was repealed, but it left its mark in the provision, repealed only in 1926, that any member of the House of Commons automatically loses his seat, and must stand for re-election, when he accepts a Cabinet appointment to which a salary is attached.

The Cabinet, which is thus practically a committee of Parliament, though legally a committee of the Privy Council, is one of the most remarkable institutions in the whole history of government. In many countries, those who make the laws have no control over how they are carried out, and those who administer the government are powerless to effect any change in the laws which their experience in applying them shows to be necessary. The Cabinet is a wonderful contrivance for avoiding these difficulties, because those who compose it fill a dual role. They are the trusted leaders of Parliament, guiding its deliberations, and they are charged with the direction of the various branches of the administration. The same men are at once the head of the legislature and the head of the executive. Bagehot summed this up in a famous phrase when he said that the Cabinet is "a hyphen which joins, a buckle which fastens, the legislative part of the state to the executive part of the state." This guaranteed harmony between the legislature and the executive is the very heart of Cabinet government.

A third feature of Cabinet government is political unity, that is, that all the members of the Cabinet must belong to one political party. Like the rule that Cabinet ministers sit in Parliament, this principle is a guarantee of the harmony between legislature and executive, and thus it is a prop of the second principle. The party system was born about the same

time as the Cabinet, and shortly afterwards they were married. When William of Orange came to England, he found two clearly defined parties, Whig and Tory, and at first he chose his Ministers from both political camps. But Whigs and Tories hated each other too thoroughly to work together well, and it soon became apparent that a Cabinet of all Whigs or all Tories was better than a mixed body. Of course it was impossible to govern through a Cabinet of one party when the other formed the majority in Parliament. Therefore it was expedient to select the Cabinet wholly from the party that controlled Parliament at the time. Gradually, what was expedient became a custom, and the custom hardened into a principle by the end of the eighteenth century. Thus the party system, by creating a clearly marked majority in Parliament, simplified the problem of getting a Cabinet that embodies the will of the majority in Parliament.

Two exceptions to the ordinary working of Cabinet government may here be noted. During the late war there was a Coalition Cabinet, although one party had a majority in the House. It was formed because of the general feeling that one party should not bear the whole responsibility for conducting the government during the great crisis of the war. Shortly after the war, a Cabinet was drawn from a party which formed only a minority in the House of Commons. It was due to the appearance in Parliament of three parties, none of which possessed a clear majority over the other two. Obviously, the first situation will rarely arise, but the second may easily recur. If it ever becomes common, as many people think it will, it must change the nature of Cabinet government which has been bound up with the two-party system; but what those changes may be it is hard to predict.

The fourth feature of Cabinet government is collective responsibility. This means that all the Ministers are responsible to Parliament for the political acts of any one of their number. This principle grew very slowly in the eighteenth century, and was not really established until the nineteenth century, because men found it hard to distinguish between political responsibility to Parliament for mistaken judgments and legal responsibility to the law courts for actual breaches of the law. When it became clear that the latter was not involved, collective responsibility was accepted as a regular principle. There may be an appearance of injustice in holding all to account for the acts of one, but it is a most excellent rule in the way it works. It ensures that every decision of any importance made by any

Minister is based on the judgment of the whole Cabinet, which is obviously sounder than if it rested only on his individual judgment. Of course there are often clashes of opinion within the Cabinet, but once an agreement is reached on any policy those who have opposed it must support it publicly or resign from the Cabinet.

This collective responsibility rests upon the oath of secrecy which every Minister takes as a member of the Privy Council. The oath comes from the days when Ministers were really the servants of the King, and it was designed to protect his interests; but now it serves a different end. In 1834, Lord Melbourne clearly explained the value of this "impenetrable veil of secrecy" surrounding the discussions of the Cabinet. "What Minister will ever hereafter give his opinion freely and unreservedly upon the matters before him, if he feels that he is liable, at any distance of time, to have those opinions brought to light, and to be himself arraigned at the bar of the public for having held them; and how can the public affairs be satisfactorily conducted unless the sentiments of Ministers be declared in their fullest extent?" Therefore until 1917, when regular records began to be kept, no one except the Prime Minister was allowed to take any notes of the proceedings, and he reported to the King only the conclusions of the whole Cabinet, and not the opinions of any of its individual members.

The fifth and last feature is the subordination of the Cabinet to the Prime Minister. The other members of the Cabinet do not select him; he selects them. He may dismiss any of them, and when he resigns his resignation carries with it the resignation of all the other Ministers. In other words, there can be no Cabinet without a Prime Minister.

Although modern writers often call a chief Minister of the King in the Middle Ages, or in the first half of modern history, a Prime Minister, this is an inexact use of the word. The office as we know it could not arise until the King withdrew from the Cabinet, and then it appeared as soon as there was a man strong enough to create it. This man was Sir Robert Walpole. At first he bore no resemblance to a modern Prime Minister, but gradually his influence over the mind of the King and his control of a working majority in the House of Commons made him Britain's first real Prime Minister, controlling his colleagues in the Cabinet and guiding the policy of the country. The origin of the title is curious. It first appeared in the accusations of his enemies, and he then, as always, denied that he was "sole

and prime minister.'' When he resigned on losing his control over the majority of the House of Commons, no one was strong enough to succeed to his power, and the office therefore tended to disappear. After some years, the great qualities of the elder Pitt made him virtually Prime Minister for a brief but glorious period, which was ended by the accession of George III. Because that monarch tried to manage the government, Pitt, like Walpole, had no immediate successor. But the American Revolution demonstrated the folly of George III's methods, and broke his political power. He was then forced to leave the whole direction of the government in the hands of the younger Pitt, and from this time the office of Prime Minister has been a permanent feature of the constitution.

The position of the modern Prime Minister is one of the greatest in the world. His power is larger than that of an American President; larger even than that of the German Emperor before the war. The King, as we have seen, is only the nominal head of the legislature and of the executive, but the Prime Minister is the real head of both. Moreover, he holds this high office and keeps all his Cabinet colleagues for an indefinite period of time—as long as he has the ability and the desire to keep it. He can do what he likes under one condition—that he holds the confidence of the majority of the House of Commons. Here is the secret of his great power. He is the real representative of the sovereign people. He is not chosen directly, but through the members whom the people have elected to Parliament. The moment the Prime Minister loses the support of the majority of the House of Commons, he is powerless; and must resign unless, by a new election, he can get another House of Commons that will support him.

The Permanent Executive: the Civil Service.

The actual business of government is conducted by a veritable army of permanent government employees, called the ''Civil Service,'' which is an old term used to distinguish this body of persons from the naval and military services. It is organized in a number of departments, each of which is placed under a Cabinet Minister. As the latter may shift from department to department with a change of Cabinet post, and must leave office entirely whenever his party loses a general election, his connection with any department is essentially temporary. Therefore he cannot be expected to have an intimate knowledge of all that it does, and is seldom concerned with more than broad questions of policy. Sometimes he leaves the questions to

officials of the department; sometimes he settles them in consultation with these officials; and sometimes the decision is all his own. But whatever course he pursues, he is responsible to his colleagues in the Cabinet, and also to Parliament for the conduct of his department.

Next to the Cabinet Minister, the political head who may change frequently, is the permanent working head of the department, commonly called the Permanent Under-Secretary. He is really the general manager of the department, which is organized, much like an ordinary business, with a host of employees holding positions of varying responsibility.

The importance of this permanent Civil Service is commonly under-estimated. If every change of government brought a general change of government employees, officials would always be learning their jobs and never doing them. That political parties may not be tempted to destroy the permanent character of the Civil Service, it is a long-established custom that civil servants, though they may vote, must take no active part in party politics. For the same reason, few appointments to the service are personal, the vast majority being based upon competitive examinations. The upper and more responsible ranks are filled by university graduates who have written one kind of examination. The lower grades, whose work is strictly routine, are recruited from candidates who have written a simpler kind of examination. Some of the best brains of Britain are to be found in the Civil Service.

THE JUDICIARY

The judiciary is a system of courts where officials, commonly called judges, interpret and apply the law. This branch of government is no whit less important than the legislative, for a people who have the best laws in the world, can yet be most miserable if the courts do not apply these laws quickly, cheaply and accurately. One of the distinguishing features of Western civilization is its efficient administration of justice.

Origin of the Ordinary Courts.

All British courts act in the name of the King, which is a reminder of how much our judicial system owes to the monarchy. The first English courts, however, were popular rather than royal in character. Every shire and every hundred — a division larger than a township, but smaller than a shire or

county — had its court composed of the principal inhabitants. There were no law books, nor was there any need of them, for the law was the immemorial custom of the people. Whenever there was any doubt, the local freemen assembled in the court decided what had always been the custom — that is, the law. As the monarchy grew in power, the principle that the King is the fountain of justice developed. At first, he heard only the most difficult cases, deciding them with the advice of his council. Then from his council he sent out officials to administer justice in the shire courts, which now really became royal courts. This kept these courts alive while similar courts on the continent died. At the same time, the increase of appeals to the King obliged him to add to his council men of definite legal knowledge. Very shortly afterwards, he took a further step by singling out the legal men on his council and leaving them alone to do this business. Only those cases which they could not settle were now to be brought before the monarch and his whole council. This change occurred in 1178, and was the beginning of the Court of King's Bench. It is highly significant of the evolution of the judicial system. Various courts from time to time were created out of the council by just such a differentiation of function. The King's Bench tried cases where the royal interest was concerned, which of course included important criminal cases. There was also the Court of Common Pleas, which tried disputes between individuals which did not touch the King, the Exchequer Court for all cases affecting the revenue, the Chancery Court to give justice where the strict application of the law would deny it, and a number of other less well known courts. Not until late in the nineteenth century were all these courts reorganized into the High Court and the Court of Appeal.

The Origin of the Jury.

In addition to the historic courts, we owe the jury system to the King. The summoning of a jury was originally a royal right belonging to the Kings of France. It must not be confused with the gathering of the freemen in the old shire court. Their business was to tell what was the law, but the purpose of a jury is to give other information. The Dukes of Normandy acquired the right from the King of France and brought it into England at the time of the Conquest, applying it first in gathering the information for Domesday Book. Not until a century afterward was it used very regularly, and then it was made a common institution by one of the most powerful kings

that ever ruled England, Henry II, the man who started the King's Bench in 1178. He gave the jury to the people because he thought that it would be very useful. It is interesting to observe that this valuable institution, introduced into England and developed there by the strong monarchy created by the Norman Conquest, spread upon the continent, but died out everywhere there, because the ruling power was nowhere strong enough to preserve it. Under a weak monarchy it might have suffered the same fate in England.

English Law.

In still another way has the Crown left its stamp upon our legal system. By his travelling judges and the superior justice which he administered with the advice of his council, or specialized parts of it, the King welded English law into a fairly uniform system. Elsewhere laws remained, as they had been in England, purely local in scope because they rested upon the memory of the people in the countryside. When the study of Roman Law was revived, it appeared so obviously superior to all these little local laws that it quickly swept them aside. Only in England was there a national body of law capable of standing against it, and therefore England was the only Western European country in which Roman Law did not become the foundation of the legal system.

The laws which the courts administer are often divided into two great divisions, though the same court often applies both. The criminal law is for the punishment of those who have committed offences which are regarded as injurious to society. The civil law is for the redress of a damage done by one individual to another, or the settlement of disputes. The government sees to it that the criminal law is applied, but under the civil law the individual must appeal to the courts to secure his rights. Another common division is into common law, equity, and statute law. The common law has its roots in ancient custom originally declared by the freemen of the court. In later days it has been preserved and developed by the decisions of judges which are quoted as binding for subsequent cases. Equity is a body of law which arose as a corrective to common law. Like the latter, it has been applied by British courts for centuries, but is not contained in any written statute. The statute law is that which is made by Parliament. It is all the time growing in volume, covering the ground that common law or equity did not cover, or replacing common law or equity that has become outworn.

The Liberty of the Subject.

Four principles protect the liberty of the subject in British courts. (1) One is the right of the accused to trial by jury, which, as we have seen, was originally a royal gift. (2) A second is the equality of all before the law. In other countries government officials commonly enjoy a privileged position in the courts. For example, they cannot be sued without special permission, and then they are given special advantages. But in all British courts, the highest official and the humblest subject are absolutely equal in their legal rights. This principle dates from the Long Parliament, which swept away, because they had been abused, all the exceptional powers which the royal government had enjoyed. (3) A third principle was laid down in 1679 by the Habeas Corpus Act. This gives every prisoner the right to secure a writ ordering his jailor to "have his body," *habeas corpus;* or, in other words, to present him before a court, and there explain why he is kept in custody. Thus no one need languish in jail. The fourth principle is the most fundamental of all, because without it the other three would fall to the ground. (4) It is the independence of the judges. When the Stuarts abused the royal right to dismiss as well as to appoint the judges, justice was poisoned because the judges had to think of pleasing the King. Therefore, after the Revolution, Parliament deprived the King of this power over the judges, but did not think of giving it to the people, which also might have been dangerous. Instead, it enacted that the judges should hold office as long as they did their duty. Now a judge can be removed only for misbehaviour, and by the King on an address, or petition, from both Houses of Parliament.

Courts of Final Appeal.

Though courts were split off from the council, that body retained its power to judge on appeal. When the Great Council developed into two different bodies, the House of Lords and the Privy Council, both retained this final power of jurisdiction. In destroying the Star Chamber, the Long Parliament abolished the judicial authority of the Privy Council in England, but not in the colonies. As a result, the House of Lords came to be the final court of appeal for the United Kingdom, and the Privy Council the final court for the over-seas possessions of the Crown. But time has tended to bring these two bodies together again whenever they act as final courts of appeal. In this capacity, the House of Lords has shrunk to include only the judges who are its members, and the Privy Council is repre-

sented only by a committee known as the Judicial Committee of the Privy Council. As the personnel of this committee is practically the same as that of the House of Lords when sitting in appeal, the only practical difference remaining is in procedure.

IMPERIAL RELATIONS WITH CANADA.

Once King and Parliament together possessed complete authority over Canada as over the rest of the Empire. But experience proved the impossibility of governing the whole Empire from the centre, and therefore more and more power was given to various governments in different parts of the Empire until now there are a number of self-governing Dominions and many colonies enjoying different degrees of self-government.

Limitations upon Dominion Autonomy.

For a long time after Canada was allowed to govern herself, a number of vestiges of Imperial control remained. Every Act passed at Ottawa had to be sent to the British Secretary of State for Dominion Affairs for possible disallowance, or veto, by the Crown acting on the advice of British Ministers. Generally speaking, the authority of our Parliament stopped at the shores of Canada, while the British Parliament legislated for British subjects anywhere. We did not regulate merchant shipping; the British Parliament did that for the whole Empire. Also the Colonial Laws Validity Act of 1865 declared any Dominion statute *ultra vires*—that is, of no effect— to the extent of any conflict with British legislation.

These restrictions were more formal than real. The British veto over Dominion legislation, though it has not been buried for as long a time, was dead like the royal veto in Britain. Our Parliament at last began to legislate for Canadians beyond the shores of Canada, and we saw that there was nothing to prevent it. Merchant shipping was controlled by the British Parliament for the sake of uniformity, and there was no complaint against the laws passed in London for this purpose. But the Colonial Laws Validity Act did upset some Canadian legislation, and because the British North America Act is an Imperial statute we could not amend our constitution without going to London.

With one exception these limitations upon our legislative autonomy were removed by the Statute of Westminster in 1931. The Imperial veto is gone in law as well as in fact. Britain has formally recognized the right of our parliament to pass extra-territorial legislation. Merchant shipping is now regulated by

parallel Dominion and British legislation, agreed upon after consultation. The Colonial Laws Validity Act is repealed. But we have not yet the power to change the British North America Act. The reason for this inability lies in ourselves. The British Parliament has changed, and will change, the British North America Act in any way that Canada as a whole desires ,and if Canada is ever unanimous in demanding the right to amend her constitution without recourse to the British Parliament, she can have it. Australia and South Africa have that power, but Canada has not, because her citizens are not united upon the question.

In the executive field, there are two limitations to our complete self--government. One is the appointment of the Governor-General by the Crown, which means the British government. He has filled a dual role, being the representative of the King in the machinery of our government and also the resident agent of the British government. For nearly half a century, he has held essentially the same constitutional position as the King in Britain, and it is quite probable that his position as constitutional monarch has restrained his activity as the agent of the British government. The Imperial Conference of 1926, whose resolutions led to the passage of the Statute of Westminster, agreed that the two functions should be separated. As a result a High Commissioner now represents the British Government at Ottawa and the Governor-General remains only the representative of the Crown. Though formally the choice of the Crown, yet it is understood that the Canadian government is always consulted, so that he is really our choice. Thus the Governor-General constitutes no real check upon our autonomy.

The other limitation in the executive field is in the control of foreign affairs. Canada automatically follows Britain into war and into peace. But on the other hand, Canada is not bound to supply one man or one dollar to the defence of the Empire. Whatever she may contribute depends on her own free will. More than once we have been technically at war without being really in the war, and this may happen again.

Otherwise the government in London has no control over our foreign relations. This freedom is of recent growth. In the negotiation of treaties which might affect the Dominions, Britain some years ago adopted the practice of inserting a clause in each stating that it would not bind any Dominion without its consent. In negotiating treaties which clearly concerned any Dominion, she also followed the custom of proceeding only with the co-operation of that Dominion. When we wished to make agree-

ments with foreign countries, our government could, and did, negotiate with them directly. But the binding signature had to be added by a representative of the government in London, which thus possessed a veto power. This restraint, which applied equally to all Dominions and self-governing colonies was designed to preserve harmony within the Empire and on one occasion its application helped us. In 1891 Newfoundland negotiated a treaty with the United States but the government in London refused to permit its signature because we complained that Canadian interests would suffer. After the Great War we claimed and were allowed the right to sign. Then the Imperial Conference of 1926 laid down the principle that each self-governing part of the Empire was equally free to manage its own foreign affairs, getting direct from the King the formal permission to sign our own treaties alone. At the same time it was agreed that each autonomous part of the Empire would take into consideration the interests of the others, would advise them when it contemplated the negotiation of a treaty, and would take no steps which might involve other governments of the Empire in any active obligations.

In the judicial field, there is the limitation of Privy Council appeals, which means that our Canadian courts have not always the last word in deciding Canadian cases. In practice, however, very few Canadian cases are decided by the Judicial Committee of the Privy Council, and then it is usual for a Canadian judge to be added to the committee, or court, for that particular hearing. Because the expenses involved in a Privy Council appeal are very heavy, it is not worth while appealing to that tribunal from the vast bulk of decisions in our courts. But whenever a case turns on an interpretation of the constitution, it has been the rule to carry it to the Privy Council. Although the jurisdiction of the Privy Council is a restriction upon our autonomy, it is not imposed against our will, but by our consent. There are no appeals in constitutional matters from Australia, though there are in ordinary civil cases, and the British government announced at the Imperial Conference of 1926 that it did not favour appeals from any self-governing part of the Empire that was opposed to them. Thus we retain Privy Council appeals because Canada is not agreed upon a better alternative.

Channels of Communication.

The sole channel of communication between the Canadian government and the British government was for a long time

through the Governor-General and the British Secretary of State for Colonial Affairs. Today it is very different. As already observed, a British High Commissioner has replaced the Governor-General as intermediary. Moreover our communications no longer go to the Colonial Office, but to the office of the Secretary of State for Dominion Affairs, a department which was created after the war to separate the affairs of the Dominions from those of the other colonies whose status is lower. Another change appeared during the war. This is the principle of direct communication between the Canadian and the British Prime Ministers on all matters of first class importance. Still another development has been the regular meeting of representatives of the governments of Britain and the self-governing Dominions and colonies. The meetings commenced in 1887, and have been held about every five years. At first they were called Colonial Conferences, and dealt with minor matters. Later they came to be known as Imperial Conferences, and their discussions widened to cover major questions. Their decisions have no binding force, but they are of great importance because they are agreements between the principal governments of the Empire. These agreements may be the recognition of a fact or an actual undertaking to do something. The conference of 1926 recognized that: "The group of self-governing communities composed of Great Britain and the Dominions . . . are autonomous communities within the Empire, equal in status, in no way subordinate one to another." In the same conference, the British government agreed to do several things which would carry out this principle more completely. The promise was fulfilled by the Statute of Westminster. In conclusion, the Imperial Conference is a great and growing means of co-ordinating the various parts of the Empire, each of which is now practically master of its own destinies.

CHAPTER II.

THE DOMINION GOVERNMENT.

THE NATURE OF THE CANADIAN CONSTITUTION.

The Canadian constitution stands between the British constitution and the United States constitution, two well known and very different types. Therefore an analysis of these two constitutions, showing where ours resembles now one and now the other, brings out clearly the nature of our system of government.

I. The United States constitution is *written*, the British is *unwritten*, to use the language of constitutional lawyers and historians. Any one who reads the document known as the Constitution of the United States of America, and its various amendments, can get a fair idea of how that country is governed, for it is largely according to the letter of the law. Britain has no such document and is governed in a very different way from what the letter of the law asserts. According to that, the King still *rules*, but we know that he only *reigns*. Canada's constitution is both *written* and *unwritten*. The *written* part is the British North America Act, passed by the British Parliament in 1867, and its subsequent amendments. But these documents do not tell the whole story of how we are governed. Taken literally, they mean that we are ruled by the Governor-General and the Lieutenant-Governors of the provinces, which we know is not true. There is thus a vital part of our constitution which does not appear in the letter of the law, and is therefore said to be *unwritten*.

II. The United States constitution is what is known as a *rigid* one, while Britain's is *flexible*. The latter can be changed at any time by an ordinary law passed through Parliament, but the United States Congress, though it can make other laws, cannot alter one word of the United States constitution. That can be amended only by a very special process. Here also our constitution resembles both. The British North America Act and its amendments are the *rigid* part of our constitution; the rest is *flexible*.

III. In the United States constitution, the executive and the legislature are separate from and independent of each other, while in the British constitution they are fused in the Cabinet. Here our constitution resembles the British model with its

Cabinet system, and has no provision, like the United States constitution, to exclude the heads of the executive from the legislative body.

Finally, the United States constitution is a *federal* constitution, while Britain's is *unitary*. In Britain, there is only *one* final authority, Parliament. Though other powers, such as municipalities, may exercise powers of government, all these powers have been delegated and may be revoked by Parliament. In the United States there are *two* final authorities, for sovereignty is divided between the federal legislature and the state legislatures. In this respect, Canada is like the United States, with provinces instead of states.

We have a *federal* constitution rather than a *unitary* constitution because of the conditions under which the Dominion was formed in 1867. Though there are now nine provinces, only three colonies then united to make the new Dominion — Canada, New Brunswick and Nova Scotia. In Canada, the French were a large minority, but in the Dominion they realized that they would be a smaller minority. Therefore, afraid of what might happen to them, they refused to agree to any union of the colonies unless they were protected against the rule of a permanent English majority. At the same time, Nova Scotia and New Brunswick, having enjoyed a separate existence for over three-quarters of a century, refused to agree to the union with Canada unless they were allowed to keep a certain degree of their old individual independence. Therefore Canada was split into Ontario and Quebec, Nova Scotia and New Brunswick were continued as separate entities, and each of the new provinces was guaranteed a large measure of self-government which the new Dominion legislature could not take away. Without this division of sovereignty, there could have been no Dominion of Canada.

Another feature of our constitution should not escape notice here. The Dominion of Canada is *bi-lingual*, that is, has two official languages. A quarter of a century elapsed after the conquest before any real English-speaking population settled on the soil of what was then Canada, and for three-quarters of a century after the great Wolfe fell, the majority of the population remained French. Thus the French language had to be placed on an equal footing with the English tongue. Only once, in pre-federation Canada, was French denied its position as an official language along with English. That was from 1840 to 1848, and the result was very unfortunate. In 1867, this equality was continued for all Dominion affairs. Thus all Dominion

laws and other official documents are printed in both tongues, every motion in Parliament must be put in both languages and any member may use either when he speaks.

THE LEGISLATURE.

The Dominion legislature is called a Parliament, and resembles the British Parliament with its King, Lords and Commons, but it is not an exact copy because Canadian conditions are not the same as those in Great Britain.

The King.

In the beginning of every Dominion Act of Parliament, occurs the following statement: "His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows." Thus the King is the head of the Dominion Parliament as well as of the British Parliament. But he cannot preform this function in person, and therefore he is represented in Canada by the Governor-General.

The office of Governor-General originated in the American Revolution. Until that time every colony had a Governor. Sometimes there was also a Lieutenant-Governor. But there was no Governor-General. The loss of most of the old colonies suggested to the British Government that the remaining colonies might also go in time unless they were drawn together under one authority. Therefore the Governors were replaced by Lieutenant-Governors and a Governor-General was put over all. In this capacity, Lord Dorchester came out in 1786. But a common government for British North America was then impossible. Geography prevented Dorchester's power over the maritime provinces from becoming a reality, and the only result was that the head of the Canadian government was called Governor-General instead of Governor. When British North America was federated, however, the old title came to mean what was originally intended.

The Governor-General, as observed in the last chapter, is appointed by the Crown. Naturally, this is with the advice of the appropriate Minister, the Secretary of State for Dominion Affairs. The Governor-General differs from the King both in the extent of his powers and in the time during which he holds them. He is not a viceroy, holding the full royal authority for this part of the Empire. He is invested with only such power as the law prescribes for his office and is delegated to him by his commission. For example, he cannot create peers. Nor

does he, like the sovereign, hold his position for life. Unless renewed, his term expires at the end of six years. Five years, however, is the customary term, but it need not last that long. He may resign or be recalled at any time. In the event of his death, incapacity, removal, or absence from the country, his powers descend upon the Chief Justice of Canada, or, failing him, the senior judge of the Supreme Court, until a successor is appointed and installed in office. The Governor-General may also appoint a deputy to act for him when he leaves the capital to visit other parts of the Dominion.

The Governor-General summons, prorogues and dissolves Parliament, and transforms bills into Acts by giving them his assent. He performs these duties as the representative of the Crown, which is thus a part of the Dominion Parliament. He holds in Canada exactly the same constitutional position as does the King in Britain, which of course means that he acts on the advice of his constitutional ministers and possesses the veto power only in theory.

The Senate.

The upper chamber of the Dominion Parliament is called a Senate, a name derived from the Latin word *senex*, which means old man. It was first applied to the aristocratic chamber of the ancient Roman Republic, and is now given to the upper chamber in the legislature of various countries.

In its composition, the Canadian Senate bears a distant resemblance to the United States Senate. When framing their constitution, the Americans gave a new turn to bicameral government by placing the upper chamber upon a geographical basis. Each state in the Union, irrespective of size, was given two senators. All the Dominions have been influenced by this example. Originally our Senate had 72 members, 24 coming from each of three geographical divisions, namely, Ontario, Quebec, and the maritime provinces. The third group was divided equally between Nova Scotia and New Brunswick. When Prince Edward Island joined Canada in 1873, this territorial basis was preserved by taking two senators from each of the two original maritime provinces and giving four to the new province. But the spread of the Dominion westward upset this geographical balance. For many years, the four western provinces had all together only 15 senators. In 1915, when they received six senators each, making a total of 24, the original balance was restored with four divisions instead of three. Thus the Senate has now 96 members.

In the way its members are appointed, the Canadian Senate resembles neither the House of Lords nor the American Senate. The British government wanted to create two little Houses of Lords when Upper and Lower Canada appeared as separate colonies in 1792, but Lord Dorchester objected that the principle of hereditary peers with hereditary seats in an upper chamber would never succeed in this new country. The attempt has never been revived, because the powers and composition of the House of Lords have been more and more questioned in Britain. The opposite principle of election for a period of years was rejected by the "Fathers of Confederation." They feared that a popular foundation for the Senate might make it equal in power with the House of Commons, and therefore produce deadlocks between the two chambers. After much debate, these framers of our constitution decided that the senators should be appointed by the Governor-General for life. In practice, this means appointment by the government of the day. No one can be made a senator unless he is thirty years old, has property worth $4,000 more than his liabilities, and resides in the province for which he is to be appointed. A senator loses his seat if he resigns it, if he fails to attend the Senate during two successive sessions of Parliament, if he becomes a citizen of a foreign country, if he is convicted of a serious crime, if he loses his property qualifications or if he ceases to reside in the province for which he is appointed, unless he holds a government office which requires continuous residence in the capital. The Senate itself is the judge of all these qualifications. Each senator is paid his travelling expenses to and from the capital, and also $4,000*, called a sessional indemnity, for each session that he attends.

In its powers, the Canadian Senate is very different from the American Senate, which is more important than the lower chamber, the House of Representatives. It is like the House of Lords in that it is subordinate to the House of Commons. No bill voting money or imposing taxes can be introduced into the Senate before it has passed the lower house. With this exception, the Senate is equal to the House of Commons in theory, but not in fact. This is noteworthy, because the Canadian constitution lacks the machinery of the British constitution to make the upper chamber bow before the will of the lower. We have no law like the Parliament Act; but the power to create an additional number of peers is paralleled by

*This was temporarily reduced during the depression.

the right of the King, on the recommendation of the Governor-General, to add four or eight senators equally divided among the four parts of Canada. This limited power has never been used, and only once, fifty years ago, was it even sought as a remedy for a deadlock between the two houses. Because the party in power fills all the vacancies in the Senate as they occur, the majority in the Senate is usually of the opposite party to the majority in the Commons after a change of government, but of the same party if the latter has remained in power for any length of time. Therefore there is friction only after a change of government, and then it is common. For three reasons, however, this is seldom serious or taken seriously by the Commons. Firstly, the Senate, without the historic background of the Lords, has never dared to stand out resolutely against the clearly expressed will of the people. Secondly, the party which has just come into power, and has only a minority in the Senate, knows that it will have a majority in the Senate after it has fallen from power, and thus will have its turn in playing the game of obstruction. Thirdly, the hostile Senate majority seldom lasts long, for most of the senators are old, and death is continuously creating vacancies in the Senate which the party in power fills with its own nominees. Indeed the opposition of the two chambers, whenever it occurs, operates to soften the transition between two governments of different parties, and some aver that a hostile Senate is a good excuse for not carrying out rash election promises. This seems to be the only way in which the Senate fulfills one purpose for which it was created, namely, to impose a check upon hasty legislation. The other original purpose of the Senate, to place a restraint upon sectional legislation, has not been achieved at all, because the less populous provinces have been grouped to balance the more populous provinces in the Senate and therefore the representation of the country in the Senate is roughly proportional to its representation in the Commons.

The House of Commons.

The Canadian House of Commons is modelled after the British House of Commons. Its members are elected by constituencies, each having about the same number of people. In one respect, however, the Canadian house differs. As population shifts and grows, the lower chamber in any country will be a less and less perfect representation, unless its seats are redistributed from time to time. This problem is naturally more pressing in a new country, like Canada, than in an old

land whose population is more stable. Therefore some special provision had to be inserted in the Canadian constitution. The British North America Act calls for a redistribution every ten years, and prescribes how it shall be made. To prevent an unwieldy growth of the House of Commons by the mere addition of new members for new population, Quebec is always to have 65 members, the number which that part of the country had in the old assembly of United Canada, and the other provinces are to be allotted seats in proportion. Each of the other provinces thus retains its old number of members only if its population grows at the same rate as that of Quebec. Roughly speaking, Ontario has stood still, while the western provinces have gained and the maritime provinces have lost. In 1914, this rule reduced the number of Prince Edward Island members to three. The prospect of a province's representation shrinking away led to an amendment of the constitution in 1915. Each province now has the right to at least as many seats in the House of Commons as it has in the Senate, which gives Prince Edward Island four members. The House of Commons has now 245 members. There is no property qualification for election, but a member must be twenty-one years old and a British subject. Like a senator, each member receives a sessional indemnity of $4,000*, and an allowance for travelling expenses between his constituency and the capital.

Elections must be held at least every five years, but it is unusual for Parliament to "expire by the effluxion of time." The Governor-General may dissolve Parliament at any time that his Ministers advise him to do so. Commonly they wait for four years, but occasionally they feel the need of an earlier election. Upon the dissolution of Parliament, the federal returning officer sends writs to the returning officer in each constituency, or locality which has the right to elect a member, ordering him to hold an election. Every British subject, male or female, twenty-one years old, who has lived in Canada for a year and in one constituency for two months immediately before the election, has the right to vote in that constituency. Any twenty-five electors may nominate a candidate, but they must deposit $200 with the returning officer, who returns the money if the candidate receives at least half the votes cast for the elected member, but pays it into the public treasury if he does not. This regulation is to simplify the election by preventing the nomination of a crowd of candidates who have little or no

*This was temporarily reduced during the depression.

chance of election. If only one candidate is nominated, the returning officer declares him elected, and there is no voting. Usually a vote is necessary to decide between the candidates. For the convenience of the electors, the returning officer arranges for polling booths, or voting places, distributed through the constituency, and puts a deputy returning officer in charge of each. The latter has a list of all who may vote at his booth, and checks off the name of each elector as he hands him a ballot. The latter is a piece of paper with a printed alphabetical list of the candidates. The elector takes this to an adjoining room or screened compartment, where he marks it privately by making a black pencil cross opposite the name of the candidate whom he favours. He then folds the ballot so that his vote is kept secret, and returns it to the deputy returning officer. The latter assures himself that it is the proper ballot by looking at his initials, which he had previously written on the back, and a number printed on a detachable strip called the counterfoil. Then he tears off the counterfoil from the ballot and inserts the latter in the ballot box. He locks the box before voting commences and when voting ceases, he unlocks the box and counts the votes. For this work the deputy returning officer has the assistance of clerks. When the counting is over, he puts all the ballots and other papers relating to the voting, including a statement of his count, in the box, which he locks and seals and sends to the returning officer. In a few days the latter counts all the ballots cast in the constituency and declares who is elected, but usually the people already know the result, for the returns from each poll are added and published. Voting takes place all over the Dominion on the same day. There are two exceptions to this. Electors who live in remote and thinly settled districts, where they have to travel some distance to a polling booth, and those who must be away from home on election day, may, by special arrangement, cast their votes previously. Occasionally a member of the House of Commons dies, or resigns or forfeits his seat, and then a by-election, or local election in his constituency, is held exactly as if it were part of a general election.

Like Britain, Canada has two historic political parties. Liberal and Conservative. During the war a third party, known as the Progressives, appeared and still exists, but the two-party system has been the normal basis of political life in the Dominion. Each of the two old parties is nation-wide in extent, and is organized under a national leader. He may be chosen by a caucus, or meeting, of the members of Parliament belonging to his party, or he may be elected by a convention comprising delegates from all parts of the Dominion. The Right Honour-

able W. L. MacKenzie King was the choice of a Liberal convention in 1919, and the Honourable R. B. Bennett the choice of a Conservative convention in 1927. Each party has provincial and local organizations which help conduct the political campaign that accompanies every election. They pick out the candidates whom they think will attract the most votes in each constituency, and see that they are properly nominated. By means of speeches, newspapers and other publications, each party tries to persuade the people to vote for its candidates. This usually makes the contest quite interesting, and sometimes very hot. Between elections, each party carries on a less intensive campaign to win and preserve public support.

While there are many who always vote for the candidates of one party, there is perhaps a growing number of people who support now one and now the other side. This so-called "independent" vote has a wholesome influence on both parties, inducing them to prove to the people that they are worthy of support. Thus there is a real competition between them to secure the best men as candidates for election and to propose policies that will best satisfy the needs and desires of the country. Those who decry parties because they can see no difference between them, overlook the value of this competition, and also the necessity for some kind of political organization to create a clearly defined majority in the House of Commons. Without the latter, it is hard to see how our Cabinet system would work.

How Parliament Does Business.

Both Houses of Parliament are organized and conduct their business in much the same way, which is after the British model. Each is presided over by a Speaker, who decides all questions arising out of the rules of debate, puts all motions to the vote and announces the result. The Speaker of the Senate is appointed by the government, and usually holds his position until a change of government, when another is appointed to replace him. The Speaker of the Commons is elected by the House when it first meets after a general election. The former is the spokesman of the government which appoints him and he frequently holds a position in the Cabinet, but the latter is supposed to stand entirely aloof from party politics. In front of the Speaker sit the clerk and his assistants, who keep the records, and on either side of the chamber, facing each other, sit the members. The majority, or government members, sit on the right of the Speaker, and the minority, or opposition, on his

left. The symbol of authority of the House of Commons, and of the office of its Speaker, is the mace. It lies on the table before him when he is in the chair, is removed when he leaves it, and, borne by the Serjeant-at-Arms, accompanies him wherever he goes in his official capacity. The chief ceremonial official of Parliament, however, is the Gentleman Usher of the Black Rod, so called after his staff of office. He is attached to the Senate, and is the personal attendant of the Governor-General when he appears in Parliament. The Governor-General appears only to open or close the sessions of Parliament or to assent to bills which it has passed. He then occupies a throne, which is placed above and behind the Speaker's chair in the Senate

When Parliament meets after a general election, the first day is consumed by the members of the Commons taking the oath of allegiance and electing their Speaker. The formal opening of Parliament is on the next day. As the Commoners sit in their chamber, Black Rod comes and knocks three times upon the door, a custom which dates from Charles I's attempt to arrest the five members. Then the door is opened by the order of the newly-elected Speaker, Black Rod enters and summons the members of the Commons to repair to the Senate chamber. There the Governor-General, or his deputy, reads the "speech from the throne," which has been prepared by the Prime Minister and his Cabinet, and is a statement of the government's programme for the ensuing session. After the speech, the Commons return to their own chamber to commence the business of the session.

The rules of Parliamentary procedure have been adopted from Britain, and amended from time to time as Parliament has seen fit. They are what have been found necessary for the orderly conduct of business, but they are so numerous and complicated that members are continually tripping over them. Therefore all that can be done here is to point out some of the more important regulations.

No member can speak except to make a motion, or to second a motion, or to discuss a motion already made and seconded; nor can he speak twice to the same motion, or make any remarks not actually bearing on the motion; nor can he say anything which cast a reflection upon any member or either House of Parliament. If he transgresses a rule, any member may immediately "rise to a point of order" and appeal to the Speaker to enforce it. A grievous offender may be "named" by the Speaker and required to withdraw temporarily from the House. Until just before the war, there was no limit to the length of

speeches. This enabled a minority of members to block the business of Parliament if they saw reason for so doing. To prevent this possibility, the House of Commons in 1913 adopted the British practice of the closure, that is, a rule whereby the majority may fix a time when the vote must be taken. This has been applied occasionally, but has commonly caused ill-feeling. A new set of rules, adopted in 1927, may render obsolete this "gag," as it is sometimes called. All speeches, with few exceptions, must end in forty minutes, and the House, which has sometimes been kept sitting all night, adjourns automatically at 11 p.m.

Any member may move an amendment to a motion, or an amendment to an amendment already proposed. No further amendment can be made unless one of the first two is defeated or withdrawn. Sometimes it is desirable to prevent the proposal of any amendment. This is done by a member moving "that the question be now put." The debate continues on the original motion, but when this is finished the vote is taken on "the previous question," that is, on whether the original motion shall be put. If the House decides against "the previous question," the original motion disappears without itself having been voted on, but if the House decides the other way it must at once vote on the original motion, which of course may or may not be carried.

When the debate on any question is finished and the House is ready to vote, the Speaker puts the question by calling for those in favour to say "Yea" and those against to say "Nay." This is in the Commons. The Senate words are "Content" and "Non-content." Often there is no doubt whether the motion is carried or lost, and the Speaker pronounces accordingly. But any member may challenge his statement, or he may say that he cannot decide. Then the division bells ring all over the building, and the members who have been out of the chamber come trooping in to their seats. Then a "division" takes place. In the British Parliament this is done by the ayes and the noes walking out into separate lobbies behind the Speaker's chair, and being counted as they file in again. In Ottawa, a different method is followed. The Speaker calls upon all who favour the motion to stand, and a clerk then calls off the names of the standing members, to be entered by the chief clerk. The process is repeated for the nays, and the chief clerk tells the result to the Speaker, who announces it. If there are two amendments, the second is voted on first. If this carries, there is no further voting, for the motion is carried as amended. It it is lost, the

first amendment is then put. Only if this is lost is the original motion put.

Select standing committees, as they are called, do much of the business of the two Houses. They are formed at the beginning of each session, and usually the two parties are represented on each committee in the same proportion as they stand in the whole House. These committees, which sit in their own separate rooms, are not designed to do away with debate in the House, but rather to clarify it. Their business is to collect information, examine witnesses and sift evidence upon a bill or any other matter which the House wishes to have investigated.

The discussion and passing or rejection of bills occupies most of Parliament's time, for the prime purpose of Parliament is to enact laws, and this can be done only by means of bills. With the exception of money bills, these may begin in either House. Divorce bills, which are necessary because Ontario and Quebec have no courts competent to grant divorces, are introduced in the Senate. Most other bills start their course in the House of Commons. Bills are of two kinds, private and public. A private bill is one that affects only individuals, companies, or corporations, and is first introduced by way of petition, a relic of mediaeval days when aggrieved subjects appealed to Parliament for redress that they could not get in the law courts or in any other way. A public bill is one that touches the public interest, even if that be confined to a part of the country, and does not need to rest upon a petition. A private member may introduce a public bill, but most public bills that carry are prepared by the government, and are known as government bills. Before it can be presented to the Governor-General for his assent, a bill must pass through certain stages in each House. First, a member gives notice of motion that he will move for leave to introduce a bill for a specific purpose. When the time comes for the motion and the latter is carried, the House orders the preparation and submission of the bill, which may happen at once. Then a motion is put that the bill "be now read a first time," and that it be printed. The vote is taken at once without amendment or debate. If it carries, a day is fixed for the second reading. On that day, when the Speaker puts the question "that the bill be now read a second time," the first real debate begins. It is focused upon the general principle of the bill, rather than upon the details. Many a bill perishes at this stage. One of the commonest ways of "killing" a bill is to give it the "six months' hoist," that is, to move that it "be read this day six months," which means not at all, for the supposition is

that Parliament will not be sitting then. It is passes the second reading, the bill is "committed to a Committee of the whole House." When the House goes into "Committee of the Whole," the Speaker leaves the chair, and another member presides over the debate while sitting at the clerk's table. The rules of debate are also relaxed to allow freer and fuller discussion. For example, a member may now speak more than once to the same motion. When considered in Committee, the bill is discussed clause by clause. Any clause may be amended or struck out, or others may be added. Then the Committee rises, and the House resumes its sitting by the Speaker taking the chair again. The chairman of the Committee now reports the bill to the Speaker. Further amendments may still be suggested. If these are important, the bill may be committed again to the Committee of the House. After the House has accepted the report of the Committee on the bill, a motion that the bill be read a third time is made and put. When this is carried, the bill is sent to the other House. If the latter makes any amendments, the bill as amended must be returned for its reconsideration. If neither House is willing to accept the bill in the form which satisfies the other, there is a deadlock. But this is a rare occurrence.

Money bills, that is, bills for the spending or raising of money, are governed by special rules which are partly historical and partly designed to prevent hasty and unwise expenditure and taxation. No money bill can originate in the Senate, nor can a private member of the Commons propose a money bill. Only upon the recommendation of the Governor-General can such a bill be introduced, which means that every money bill is a government bill. Even then a money bill cannot receive its first reading until it has been considered by a Committee of the whole House. This is known as the Committee of Supply when it is considering expenditures, and as the Committee of Ways and Means when it is considering the ways and means of raising a sufficient revenue to meet those expenditures. As soon as it can, the government submits the estimates to the House. This is a table of the proposed expenditure for the ensuing year, arranged according to government departments, and a table of the corresponding payments for the previous year. From day to day, the House allots a certain amount of its time to examining and voting upon these estimates, department by department. Some time after the submission of the estimates, the Finance Minister presents the budget. His budget speech reviews the finances of the past year, comparing results with estimates, analyses the financial position of the country and proposes

methods of raising revenue to cover the estimate of expenses. Then the Committee of Ways and Means deals with his proposals one by one. All the votes carried in the Committees of Supply and Ways and Means are gathered up into one or more bills. When these are through the Commons, they are sent up to the Senate; where, by constitutional usage, they are passed without amendment.

Adjournment is the temporary suspension of its sitting by either House acting independently of the other. Business is taken up again at the point where it was dropped. *Prorogation* is the suspension of Parliament's sitting by the Governor-General, of course on the advice of the government. It terminates unfinished business, so that it must be started all over again. As Parliament still exists, being only suspended, the members of the House of Commons retain their seats and return when the Parliamentary recess is over. Then the procedure is the same as on the second day of a meeting after a general election. *Dissolution* brings the existence of Parliament to an end, and necessitates an election before there can be another Parliament, for there are now no members of the House of Commons, and a House of Commons is necessary for a Parliament. Dissolution rarely occurs automatically by lapse of time. Usually it is by an act of the Governor-General. He may do it in either of two ways. One is by a ceremony which, like prorogation, resembles the opening of Parliament. The other is by proclamation. This is the only possible method during a recess, and has occasionally been used when Parliament was sitting.

The Subjects of Dominion Legislation.

The Dominion Parliament has only a limited authority, for the British North America Act divided sovereignty between it and the provincial legislatures. Section 91 of that Act empowers the Dominion Parliament "to make laws for the peace, order and good government of Canada in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the legislatures of the Provinces," and "for greater certainty" it gives Parliament the exclusive right to legislate upon the following subjects: '(1) the public debt and property; (2) the regulation of trade and commerce; (3) the raising of money by any mode or system of taxation; (4) the borrowing of money on the public credit; (5) postal service; (6) the census and statistics; (7) militia, military and naval service and defence; (8) the fixing of and providing for the salaries and allowances of civil and other officers of the govern-

ment of Canada; (9) beacons, buoys, lighthouses and Sable Island; (10) navigation and shipping; (11) quarantine and the establishment and maintenance of marine hospitals; (12) sea coast and inland fisheries; (13) ferries between a province and any British or foreign country, or between two provinces; (14) currency and coinage; (15) banking, incorporation of banks, and the issue of paper money; (16) savings banks; (17) weights and measures; (18) bills of exchange and promissory notes; (19) interest; (20) legal tender; (21) bankruptcy and insolvency; (22) patents of invention and discovery; (23) copyrights; (24) Indians and lands reserved for Indians; (25) naturalization and aliens; (26) marriage and divorce; (27) the criminal law, except the constitution of the courts of criminal jurisdiction, but including the procedure in criminal matters; (28) the establishment, maintenance and management of penitentiaries; (29) such classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the legislatures of the provinces.'' In the following chapter on provincial government will be found the list of subjects upon which the provinces can and the Dominion cannot legislate. Thus the division of authority is not geographical, but topical. For example, no province can legislate upon banking within its own borders. If such legislation is necessary, the province must persuade the Dominion Parliament to pass it.

Both the Dominion Parliament and the provincial legislatures can pass laws on agriculture and immigration, but if there is any conflict a Dominion law overrides a provincial law. In the field of education the Dominion has also a limited right to interfere with provincial legislation, which will be noted later.

THE EXECUTIVE

Formal: the King Represented by the Governor-General.

As all Dominion laws are passed, so are they administered in the name of the King, and not in the name of the Governor-General. The latter simply acts for the King in Canada. The grant of responsible government is the same dividing epoch in the history of British colonies as is the Revolution in English history. Thenceforth governors ceased to govern and only presided over their governments. They still preserved a few crumbs of their earlier authority, just as the King kept a few vestiges of his regal power after the Revolution. Not

until some years after the Dominion was formed did the Governor-General follow the example of the King in Britain, and become a purely constitutional monarch. A possible exception to this appears in the other role which he continued to fill, as observed in the last chapter, that of resident ageut of the British government. But this second role had long ceased to be of practical importance before it was transferred to another official, according to the decision of the 1926 Conference. This decision, by the way, was a particular application of a general principle then formulated, though it had been pretty well established in practice, that the Governor-General in a Dominion holds the same constitutional position as the King in Britain.

Like the King, the Governor-General acts only on the advice of his Ministers, who are responsible to Parliament. He also personifies the majesty of government, and may privately be of great assistance to the Cabinet. He has the same right as the King to be consulted by his Ministers, and, though he is at the centre of government for only a few years, he is a man of ability and wide experience. Therefore he is often able to give very valuable advice to his Ministers, which more than one Canadian Prime Minister has gratefully acknowledged.

Some people wonder why a Canadian is never appointed Governor-General. There is nothing to prevent such a selection if the people and the government of the country really desire it. The custom of choosing an outstanding man from Great Britain has been followed partly because it has been the tradition and partly for other reasons. Many people in this country believe that a Canadian should not be appointed because he would not be such a visible and personal link with the centre of the Empire. Many also believe that it would be much more difficult for a Canadian to fill the role of a constitutional monarch. The latter must be entirely aloof from political parties, so that he can give his best advice to the government, no matter what its political complexion; but how, they say, can a Canadian attain sufficient political prominence to be appointed Governor-General except by being very much tied up with one or other of our parties?

Political: the Cabinet and the Premier.

The real head of the government is the Cabinet, which has been copied from the British model. One practical difference, however, follows from the different conditions in Canada. Custom and public opinion require the Prime Minister, or

Premier, as he is more commonly called, to include in his Cabinet representatives from every part of Canada. Consequently, he has sometimes to exclude abler men than some whom he has picked. Otherwise, the Canadian Cabinet rests upon the same principles as the British Cabinet. The Premier is the leader of the political party which controls the House of Commons. If in any way, such as the rejection or hostile amendment of a government bill, the Cabinet loses the support of the majority in the Commons, he must resign unless he can persuade the Governor-General to dissolve Parliament and order a general election, and then he must resign unless his party secures enough seats to assure him the support of the new House of Commons. When he is thus forced to resign, he advises the Governor-General to call upon the leader of the opposite party to form a new government. If, for any reason, he resigns while his party still controls the House of Commons, he advises the Governor-General to call upon the man whom he knows his own party has chosen, or would choose, to succeed him.

Sometimes the Cabinet includes men who have no official duties, and are called Ministers without Portfolio; but it is usual for each member to have some portfolio or office to which particular duties are attached. This office is commonly the headship of one of the several great departments into which the administration of the country is divided. The following is an account of the portfolios as they existed in 1928. The *President of the Privy Council* presides over the meetings of the Cabinet. Only since 1891 has the Premier regularly held this portfolio. The *Minister of Finance,* who ranks next in importance to the Premier, is responsible for the finances of the country. This often makes him a check upon his colleagues who seek larger grants for their departments than he thinks wise. He also controls the currency and supervises the operations of banks and insurance companies. The *Minister of Justice* is the legal adviser of the government and all its departments. He superintends the administration of justice. He guides the Governor-General in exercising the right of pardon, and has charge of the penitentiaries. The *Solicitor-General,* who may or may not be a member of the Cabinet, assists the Minister of Justice in his capacity of legal adviser, and acts as counsel for the government in the courts. The *Secretary of State,* who is the custodian of the Great Seal of Canada, has charge of all correspondence between the Dominion and provincial governments, all public printing, and the Public Archives of Canada. The *Minister of*

Railways and Canals is responsible for the management of the government railways and canals. His duties have been greatly lightened by the amalgamation of all the former into one system, the Canadian National Railroads, under a president and board of directors. The *Postmaster General* supervises the Post Office. The *Minister of National Revenue* superintends the collection of customs and excise duties, and the income and sales taxes. The *Minister of Marine* who is also *Minister of Fisheries* administers the laws affecting navigation and fishing, both sea-coast and inland. The first half of his duties covers inspection of shipping, examination of ships' officers and the maintenance of such aids to navigation as harbours, lights and buoys. The *Minister of Colonization and Immigration* is responsible for attracting and controlling immigration and establishing immigrants in the country. The *Minister of Mines* supervises the mining industry and the geological survey. In 1933 one man held these two portfolios. The *Minister of the Interior and Superintendent-General of Indian Affairs* has charge of the North-West Territories and is responsible for the welfare of the Indian population. The *Minister of Trade and Commerce* has jurisdiction over such matters of trade and commerce as are not assigned to any other department, such as that of the National Revenue. His department controls the census, and the registration of patents, copyrights, and trade-marks. The *Minister of Public Works* has charge of the construction, repair, and maintenance of all public buildings and works, except railways and canals. The *Minister of Agriculture* deals with a multitude of things concerning agriculture in the Dominion, from experimental farms to fruit inspection. The *Minister of National Defence* is responsible for the land, naval, and air defence forces of Canada, and for the Royal Military College at Kingston and the naval barracks at Halifax and Esquimault. The *Minister of Labour,* whose department publishes the monthly "Labour Gazette" on labour problems, watches over the interests of the wage-earner. The *Minister of Pensions and National Health* administers military hospitals and the payment of military pensions, and supervises measures for the general health of the people. The *Secretary of State for External Affairs* is responsible for the conduct of Canada's relations with the outside world. The Premier has held this portfolio along with that of President of the Council.

Following the British practice, custom requires all members of the Cabinet to be members of either House. As a rule, they are almost all picked from the Commons. Therefore they

lose their seats and have to stand for re-election when appointed to office, but this practice may soon disappear since Britain abolished it in 1926. In addition to the $4,000 sessional indemnity, each Minister with portfolio receives $10,000, except the Premier, who receives $15,000, and the Solicitor-General, who receives $10,000.* It may here be noted that the leader of the opposition receives the same salary as a regular Cabinet Minister.

Every Cabinet Minister on his first appointment is sworn in as a member of the Privy Council of Canada, which rank and accompanying title "The Honourable" he retains after he leaves office. On the British analogy, the Canadian Cabinet is the only active part of the Privy Council, and thus the phrase, Governor-General-in-Council, simply means the Governor-General acting on the advice of all or some of his Ministers, which is the only way he performs any official act of government. One of the commonest ways in which the Governor-General-in-Council acts is by Order-in-Council. Orders-in-Council often entrench on the field of legislation, but seldom affect more than such minor alterations in the law as are necessary for the proper conduct of the ordinary business of government. If, however, an emergency made a more serious change imperative before Parliament could meet to enact it, an Order-in-Council might be used. Less common that the Order-in-Council is the Proclamation, which is employed when wide publicity is desired.

The Great Seal of Canada, the emblem of royal authority attached to a document, is affixed to Proclamations, to writs of election, to commissions of Lieutenant-Governors, judges, members of the Privy Council and certain other prominent officials. The chief figure on the seal is the King seated on his throne, wearing his crown and holding his sceptre. A document bearing the seal is signed by the Governor-General, and countersigned by the Minister of Justice and the Secretary of State.

Permanent: The Civil Service.

The detailed work of administration is carried on in Canada, as in Britain, by the Civil Service. In Canada, the permanent head of a Civil Service department is called a Deputy Minister. All the civil servants who work in Ottawa are known as the inside service, and those who are scattered through the rest of the country are called the outside service. For many years they were appointed by the party in power, but this system

*These salaries, like the sessional indemnity, were temporarily reduced during the depression.

of patronage led to much criticism. Many who had no qualification except "political pull" held comfortable positions, and many who should have been retained in the service were dismissed when a new government came into power and wished to reward its friends. To remedy these abuses, a Civil Service Commission was created in 1908, and placed in charge of the appointment, promotion and dismissal of a great portion of the Civil Service. This commission is composed of three men who are appointed for life, and are well paid. They hold competitive examinations for all who seek admission to the inside service, and they certify to the qualifications of civil servants whose promotion is recommended by a Deputy Minister. Much of the outside service has not yet been brought under the jurisdiction of the Civil Service Commission.

There is one civil servant whose importance makes him stand apart from all the rest. This is the Auditor-General, who examines all public expenditures to see that money is spent only for the purpose for which Parliament voted it. He reports annually to the Public Accounts Committee of the House of Commons.

THE JUDICIARY.

The law courts of Canada operate in the name of the King, and on the same principles as those of Britain. The liberty of the subject is protected as in Britain by the jury system, the principle of the equality of all before the law, the right of *habeas corpus,* and the independence of the judges. But our courts differ from those of the mother country in two respects, because we have a federal constitution.

Firstly, the Canadian courts have an additional function. The sole business of the British courts is to apply to the law. They never inquire into its validity, because Parliament is sovereign and can pass any law. But in this country, the Dominion Parliament and the provincial legislatures have not the right to pass any laws that they wish. Therefore our courts are often called upon to determine the validity of a law, that is, whether the legislature which passed it had the right to do so, and not infrequently they pronounce a law passed by a province or the Dominion to have no binding power at all, because the legislature that passed it was exceeding its authority.

Secondly, the Canadian courts are differently organized. The United States has two series of courts existing side by side, federal courts for federal laws and state courts for state laws.

But this complete separation of courts corresponding to the division of powers was not followed in Canada. Most of the courts in Canada are called provincial courts, but have also a certain Dominion character. They enforce Dominion laws; their procedure in criminal matters is fixed by Dominion legislation, and their judges are appointed and paid by the Dominion government. Otherwise, however, they are provincial in character, and therefore will be described in the next chapter.

There are only three purely Dominion Courts, the Supreme Court, the Exchequer Court and the Admiralty Court. The Supreme Court was created in 1875 by Dominion legislation. It consists of a chief justice and five puisne judges, "puisne" means of inferior rank. It is the old French equivalent of the English "puny," and is pronounced in the same way. Two of the judges must be from the bench or bar of Quebec, to ensure the court's familiarity with the civil law introduced by France, which still prevails in that province. This is the highest court of appeal for civil and criminal cases in Canada. It has also an advisory function. Either House of Parliament may ask it for an opinion touching any private bill that is under consideration, and the Governor-in-Council may request its opinion on any important question of law or fact. With certain limitations, appeals lie to the Privy Council. The latter never entertains criminal appeals, and seldom allows other appeals unless the amount at issue is considerable or some important principle of law is involved.

The Exchequer Court, created out of the Supreme Court in 1887, has only one judge. He hears and decides cases in which the revenues, or property, or other interests of the Crown are involved. For example, suits for damages against the Dominion government are tried in this court. The Admiralty Court, which has existed since 1891, is simply the Exchequer Court when it hears civil questions relating to contracts or claims, including wages, arising out of navigation and shipping in Canadian waters.

REVENUE AND EXPENDITURE OF THE DOMINION.

The cost of governing the Dominion is paid for by the people in the form of taxes. Many people often do not realize that they are paying anything to run the country, because the most fruitful source of revenue is found in the customs duties. These are taxes paid on goods imported into the country. As

most of these goods are intended for sale in Canada, the importer commonly adds the duty to the price which he demands of purchasers. The last purchaser, or consumer, is thus the one who really pays the duty. There are two kinds of custom duties. One is a percentage of the value of the dutiable article. This is called an *ad valorem* duty, *ad valorem* being Latin for "according to the value." The other kind is a definite charge on each article or specified quantity of it, no matter what the value, and therefore this is known as a specific duty. During the fiscal year ending in the spring of 1933 the revenue from customs duties was about $72,000,000. Excise taxes are another rich source of revenue. They are sometimes classed with customs as an indirect tax, because the man who first advances them to the government is not the one who pays in the end. The difference between a customs duty and an excise tax is that the former is paid on goods imported into the country and the latter on goods manufactured in the country. This tax is almost entirely confined to tobacco and alcohol in their various forms. During the above period the excise taxes produced about $38,594,000.

From the outbreak of the war, the expenses of the government began to grow enormously, necessitating a much greater revenue. As the yield of customs duties and excise taxes could not be increased indefinitely, because a higher rate causes higher prices and higher prices cause people to buy less, the government tried new methods of taxation. These are all classed as war taxes, because they were due to the war and designed to meet the war expenses of the government. This implies that they have been regarded as temporary taxes, but there is nothing to prevent them becoming permanent. That depends upon public opinion. These war taxes are imposed on various kinds of business and business transactions and upon private incomes. The last is known as the income tax. Every citizen with a taxable income is required to pay to the government a direct tax calculated upon that income. In 1933 married persons, or those with dependents, were exempt from payment upon $2,000 and $400 for each child up to the number of three. Other people were exempt up to $1,000. All receiving incomes over these limits were required to pay a percentage of the surplus. The percentage varied with the size of the income. The total product of the war taxes in the fiscal year ending in the spring of 1933 was nearly $147,500,000 of which the income tax was responsible for $62,000,000. In addition to the customs, excise and war taxes, the government has other sources of revenue, such as the Post Office, which brought in nearly $31,130,000 during the same time. This, however, was not quite as much as it

cost to run the Post Office, so that there was a loss on this account. This illustrates the way in which the books of the country are kept. They show the gross revenue rather than the net revenue. The total revenue from all sources for the above period was $319,290,000. Practically all of this went into what is called the Consolidated Fund from which the expenses of the government were paid.

A government manages its finances on a principle the very opposite to that which a private individual follows. The latter regulates his expenses by his income, the former decides what expenses are necessary and raises an income to meet the needs. During the above period, the total expenditures of the Dominion government were $417,990,000. The principal items were $134,971,000 interest on the public debt, $44,500,000 for pensions, $32,000,000 to run the Post Office, $14,000,000 for national defence and $13,677,000 subsidies to the various provinces.

It will be observed that by far the largest item in the above account is interest on the national debt. In 1914, the debt amounted to nearly $545,000,000. Broadly speaking, it was incurred for productive purposes, such as the construction of canals and railways, which really made the country richer. But the cost of the war was so enormous that it had to be borne chiefly by borrowing, with the result that the total debt mounted to over $3,000,000,000 in 1920, Then it declined as the government used its surplus revenue to reduce it. But in 1931 there was a deficit which, with succeeding deficits, increased it to $2,715,910,607 in 1933.

CURRENCY.

There are four kinds of money legally recognized in Canada. One of these is the foundation of the other three. This is the gold coinage, each piece of which has a much value in metal as it is worth as a coin. Gold is unlimited legal tender,—that is, it can be tendered, or offered, in full legal payment of any debt. In addition to $10 and $20 Canadian pieces, the law recognizes $5, $10, and $20 American gold coins and British sovereigns, worth $4.86 2/3 each. Gold, however, is seldom seen by the public, for it is kept chiefly in the government and bank reserves. For small payments, the mint at Ottawa, which is legally the Ottawa Branch of the Royal Mint, utters, or issues, silver, nickel and bronze coins with which every one is familiar. Their value as coins is much greater than their value as metal, and therefore they are called token coinage. They pass current for the greater value because the government will redeem, or

exchange, them for gold at that rate. They are limited legal tender,—silver coins up to ten dollars, nickel to five dollars and bronze to twenty-five cents.

The third kind of money is the "paper currency" issued by the Dominion government in denominations of 25 cents, $1, $2, $5, $50, $100, $500, $1,000, $5,000 and $50,000. The paper in all these notes is worth very little, but they pass for these values because the government will redeem them, if called upon, in gold to the value stamped upon them. They are legal tender like the gold which they represent. The public rarely sees any of these notes worth over $2 because those from $5 up are commonly used only by the banks to make payments to each other. Bank notes are the fourth kind of money; they are issued by the chartered banks in denominations of $5 and multiples thereof. These are only the promise of the various banks to redeem them at their face value and therefore they are not legal tender in normal times. Practically, however, they pass as legal tender because the government regulates the banks so carefully that there is no real risk of loss to any who hold these notes.

NATIONAL DEFENCE.

The Dominion of Canada was formed partly that British North America might assume the responsibility for its own defence. Therefore one result of Federation was the reduction of the imperial garrison in this country. In 1871, the last of the imperial troops left Canada, except the 2,000 who continued for thirty years to garrison the important naval station of Halifax. Since shortly after Federation, therefore, Canada has assumed the responsibility for her own defence and has developed military, naval and air forces. On January 1, 1923, these were all amalgamated under one Minister. To advise him on military matters, because he is a civilian, the Minister has a council which includes the chief officers of the three defence forces.

Canada's military forces are divided into the Permanent Militia and the Non-permanent Militia. The former is what is commonly called "the permanent forces" or "the regulars." Its strength was limited to 10,000 by a Dominion law of 1919, but its actual number depends upon how much money Parliament will provide. In the beginning of 1928, there were about 3,700. The Non-permanent Militia, popularly known as "the militia," is much larger, comprising about 127,000. It is composed of citizens who give only some of their spare time through the year to drill. For purposes of organization and

training, Canada is divided into eleven military districts, each under a commanding officer with a regular staff. The Royal Military College at Kingston, which trains officers, is under the control of the department.

The Naval Service is small because public opinion in the country does not feel the need for a larger one. In 1933, the material of the Royal Canadian Navy consisted of two destroyers and three mine-sweepers in commission. The personnel had an authorized complement of 104 officers and 792 ratings. Some of these officers serve periodically in the Royal Navy. There is also the Royal Canadian Naval Reserve of 70 officers and 430 men, all sea-faring, and the Royal Canadian Naval Volunteer Reserve with 70 officers and over 900 men scattered through the country.

The Royal Canadian Air Force had about 175 officers and 700 other ranks on permanent duty in 1933. Its main training base is Camp Borden in Ontario. Its functions include training permanent and non-permanent men. The control of commercial flying, and the conduct of flying operations for various government departments, such as forest fire prevention patrols, used to be duties of the Royal Air Force. It was relieved of these non-military responsibilities in 1927, when separate branches of the government were created to assume them.

The Royal Canadian Mounted Police is not a military force, strictly speaking, and therefore does not belong to the Defence Department, but has by custom been attached to whatever office the Prime Minister holds. It was first organized to maintain order in the North-West after the Dominion had taken over this vast territory from the Hudson's Bay Company, and was long known as the Royal North-West Mounted Police. The duties of the Mounted Police are multifold, from taking the census in outlying communities to tracking down criminals. In 1933. the force numbered about 1,300 officers, non-commissioned officers and constables.

THE INDIANS.

The Indians of Canada, who are increasing slowly, numbered almost 123,000 according to the Dominion census of 1931. They are the wards of the Dominion government which seeks to advance them in the arts of civilization. They live on reserves or areas of land set apart for their exclusive use scat-

tered over the country. The government protects them by forbidding trespass upon their lands and by prohibiting the sale of intoxicating liquors to them.

In Western Ontario and the Prairie Provinces, treaties were made with the various Indian tribes whereby the latter ceded to the Crown their aboriginal title and interest in the country and promised to obey the laws of the land and maintain peace and order among themselves. In return, they were guaranteed reserves equal to one square mile for each family of five, annual payments of $5 for each man, woman and child and additional sums to chiefs and headmen or councillors, agricultural implements and tools, and schools for the young. The Indians of the plains have received more than the natives in other parts of Canada, but this was rendered necessary by the sudden disappearance of the buffalo, which had been their principal food supply.

CHAPTER III.

THE PROVINCIAL GOVERNMENT: ALBERTA.

The governments of the provinces are substantially a continuation of the forms that existed in the separate colonies prior to federation. The pre-federation colonial governments were all of the same type, being modelled after the British government. When new provinces were created, first in Ontario and Quebec, and later in the North-West, this type was naturally followed. Changes were introduced here and there to fit the form of government to the needs and desires of the people; and therefore all the provinces are not governed exactly alike; but these changes have not affected the fundamental features of provincial government. Each province has a Lieutenant-Governor, an elected legislature and the Cabinet system of government, and they all have the same powers.

THE LEGISLATURE.

The King.

The King is legally the head of the Alberta legislature. Every Alberta Act states that it is enacted by His Majesty with the advice and consent of the Legislative Assembly. As the Governor-General represents the King in the Dominon, the Lieutenant-Governor represents him in the province. He summons, prorogues and dissolves the Legislative Assembly, and his consent is necessary to transform every bill into an Act. Theoretically, the royal veto is a feature of each provincial constitution. Practically, it is not exercised by the Lieutenant-Governor, but by the Governor-General-in-Council, for the Lieutenant-Governor must send to Ottawa a copy of every bill to which he assents, just as the Governor-General sends copies of Dominion bills to Britain. The Dominion government can disallow a provincial Act only within a year of its passing, but this right has not been used a dozen times in all Canada since Federation. Sometimes it was used because the offending Act exceeded the powers allowed by the constitution, but now it is a generally accepted principle that the legality of an Act should be left to the decision of the courts. There remains the possibility of the Dominion government disallowing Acts which a province has every legal right to pass but which appear to be bad on other grounds, such as

inflicting a serious injustice upon any individual or group of individuals, or injuring the interests of the Dominion.

The Legislative Assembly.

Alberta has a unicameral legislature. This is in conformity with the general tendency in the provinces, which has been away from the bicameral system ever since Federation. Three of the four original provinces had second chambers, called Legislative Councils, in 1867, but now Quebec is the only one of the nine provinces that has such a body.

The single chamber, and the elected one in Quebec, is called a Legislative Assembly, the name used in the old colonies, which serves to prevent confusion with the Dominion House of Commons. But it is organized just like the House of Commons, with its Speaker, Clerk, Serjeant-at-Arms and other officials, and the procedure which it follows is practically the same as that of the Dominion House. The description given in the last chapter might be repeated here with just a change of name. There are, however, a few differences of detail. The Lieutenant-Governor has no Senate in which to appear and therefore comes to the Assembly to open and close the sessions. The Legislative Assembly regulates its own procedure, which differs somewhat from that of the Dominion House of Commons. For example, the rules governing "the previous question" are not the same. The motion to put the question stops the debate, and if it is lost the debate continues on the original motion. The Legislative Assembly is elected by universal suffrage in practically the same manner as the House of Commons, and, like it, can live for only five years, though it may be dissolved at any time. Its members also receive a sessional indemnity, though this is ony $2,000* as against the Dominion $4,000.

The Subjects of Provincial Legislation.

The real difference between a provincial legislature and the Dominion Parliament is in the powers which they possess. As pointed out in the last chapter, the provincial field of legislation is quite distinct from the Dominion field of legislation. The two fields overlap only a very little. Under Section 92 of the British North America Act, each provincial legislature has the exclusive right to make laws upon the following sub-

*This was temporarily reduced during the depression.

jects: "(1) the amendment from time to time . . . of the constitution of the province, except as regards the office of Lieutenant-Governor; (2) direct taxation within the province in order to the raising of a revenue for provincial purposes; (3) the borrowing of money on the sole credit of the province; (4) the establishment and tenure of provincial offices, and the appointment and payment of provincial officers; (5) the management and sale of the public lands belonging to the province, and of the timber and wood thereon; (6) the establishment, maintenance and management of hospitals, asylums, charities, and eleemosynary institutions in and for the provinces, other than marine hospitals; (8) municipal institutions in the province; (9) shop, saloon, tavern, auctioneer, and other licenses, in order to the raising of a revenue for provincial, local, or municipal purposes; (10) local works and undertakings, other than such as are of the following classes: *a,* lines of steam or other ships, railways, canals, telegraphs, and other works and undertakings connecting the province with any other or others of the provinces, or extending beyond the limits of the province; *b,* lines of steam ships between the province and any British or foreign country; *c,* such works as, although wholly situate within the province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the provinces; (11) the incorporation of companies with provincial objects; (12) the solemnization of marriage in the province; (13) property and civil rights in the province; (14) the administration of justice in the province, including the constitution, maintenance, and organization of provincial courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those courts; (15) the imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the province made in relation to any matter coming within any of the classes of subjects enumerated in this section; (16) generally all matters of a purely local or private nature in the province."

In any federation, there is always the problem of what should be done with all the powers that cannot be set out in detail. In the United States, this residue of powers was left with each state, but in Canada it was given to the Dominion. But the framers of the British North America Act felt that this might prevent the provinces from legislating on subjects which, though not specified, might be obviously provincial in their nature. Therefore they added the general clause in the

above list; and to prevent its being stretched to cover what was intended to be left to the Dominion, it was declared incapable of extending to any subject in the list of Dominion powers set forth in section 91. Conversely, the general powers given to the Dominion were excluded from touching any of the detailed subjects in the above provincial list.

THE EXECUTIVE.

Formal: the King Represented by the Lieutenant-Governor.

In each province, the Lieutenant-Governor fills the same role as the Governor-General in the Dominion. He represents the King and has exactly the same powers as a constitutional monarch. He is appointed by the Governor-General-in-Council and may be dismissed by the same authority. For some years after Federation, there was an effort to make the Lieutenant-Governor an official of the Dominion government to carry out its wishes in the province, but this was abandoned long before the province of Alberta was established. Unlike the Governor-General, the Lieutenant-Governor is a Canadian and customarily is a native or resident of the province.

Political: the Executive Council.

The original name for the body which conducted the administration of a colony was Executive Council. When responsible government was granted, this body changed its character, becoming a cabinet, but kept its name. Thus the actual government of each province is called an Executive Council and its chief is termed the President of the Council. Really, the former is a cabinet and the latter a premier, and in popular usage these names are commonly applied. In one respect, a provincial Executive Council differs from the Privy Council of the Dominion and its members are always called "honourable" because they are Privy Councillors. But an Executive Council is not a committee of a Privy Council because no province has any such body. Therefore Executive Councillors are not Privy Councillors and are entitled to the prefix "Honourable" only "by courtesy" and as long as they hold office.

Following the regular practice of Cabinet government, the various departments of the administration are placed under different members of the Executive Council, who are known

as the Ministers of these departments and are responsible to the Legislative Assembly, of which they are members, for the conduct of their departments. In the beginning of 1933 there were seven members of the Executive Council, some of whom held more than one portfolio and one of whom was without portfolio.

The *Provincial Secretary* is the keeper of the seal of the province and conducts all the official correspondence of the provincial government with the Dominion government. His department performs various functions, such as collecting the amusement tax and issuing licenses for theatres, motor vehicles, auctioneers, grain elevators and other kinds of business, and censoring motion pictures. It also incorporates joint stock companies, and licenses for operation within the province companies which have been incorporated in other parts of Canada. In 1933 the Premier held this portfolio. The *Attorney-General* is the legal adviser of the government. His department supervises the administration of justice, protects estates that might suffer for lack of a proper administrator, cares for neglected children, and administers The Mothers' Allowance Act. It also enforces The Liquor Act of the province and collects succession duties. The *Minister of Public Works* is responsible for all public works, such as buildings, highways, bridges, ferries and surveys, and the provincial jails, where criminals are confined for terms up to two years. Those sentenced for longer periods go to the penitentiaries, which are under Dominion control. His department also supervises the conditions of employment in the province and operates employment bureaus. The *Minister of Agriculture* is responsible for the general welfare of agriculture. His department administers various laws for the suppression of noxious weeds, the handling of registered seed grain, the inspection of live stock, the regulation of stock running loose, and the supervision of the butter and cheese industries. It operates poultry stations and markets, and manages agricultural schools in different parts of the province. Generally speaking, it seeks to educate and assist the people to conduct agricultural operations according to the most improved methods. The *Minister of Health* watches over the public health of the province. His department assists approved hospitals with money and advice, and it helps municipalities to establish hospitals where there are none. It sees that proper sanitary conditions are maintained, and it co-operates in fighting epidemics when they appear. It maintains the Provincial Mental Hospitals at

Ponoka and Oliver, and a school for mentally defective children at Red Deer. It also has charge of vital statistics. In 1933 one man held both the portfolio of agriculture and that of health. The *Provincial Treasurer* is the Minister responsible for the public finances. In addition to managing the revenues and expenditures of the province, his department operates a Provincial Savings Department which issues savings certificates for, and pays interest on, all moneys deposited with it. It also supervises the operations of fire insurance companies, the control of banks and life insurance companies being a Dominion affair, to see that they are financially sound. It also protects the companies as well as the people from loss by inspecting buildings and by imposing regulations against undue danger from fire. Finally it supervises co-operative credits throughout the province. The *Minister of Municipal Affairs* supervises the whole system of municipal government. His department inspects the affairs of each municipality to see that they are not mismanaged. The *Minister of Lands and Mines* has charge of the natural resources of the province comprising public lands, school lands, forest reserves, coal and other minerals. The *Minister of Railways and Telephones* has charge of the provincial telephone system and of irrigation companies whose bonds are guaranteed by the province. He was also responsible for the management of the railways owned and operated by the province until they were sold to the other railways. One man held these four portfolios in 1933. The duties of the *Minister of Education* and his department will be described in the chapter on education. A Minister without Portfolio receives only the sessional indemnity. The other Ministers have salaries of $6,000, except the Premier who receives a further $2,500*.

Like the Dominion, the provincial government issues Orders-in-Council and Proclamations. The province also has its seal which must be affixed to Proclamations and Commissions appointing important officials. Following the Dominion and British practice, documents bearing the seal must be countersigned by responsible Ministers, while Orders-in-Council are signed by the Clerk of the Council.

Permanent: the Civil Service.

The Civil Service of the province has a Civil Service Commissioner and is organized in departments under Deputy Min-

*These salaries, like the sessional indemnity, were temporarily reduced during the depression.

isters and the departments are organized in branches each with its own head, much like the Dominion Civil Service. All civil servants hold office permanently, provided they retain their efficiency and abstain from active politics. As in the Dominion, the Civil Service is really responsible for the continuous and detailed administration of the province.

THE JUDICIARY.

The courts interpret and apply not only the laws passed by the provincial legislature, but also all laws that are binding throughout Canada. These include the statutes of the Dominion Parliament, some statutes of the British Parliament, common law and equity. The courts also take cognizance of the by-laws of municipalities. All the courts within the province are created and regulated by provincial legislation. They may be divided into three, according to the authority which they possess.

The Courts of the Province.

Inferior courts are presided over by justices of the peace or police magistrates who are appointed by the Lieutenant-Governor on the advice of the Attorney General. They are not necessarily lawyers, like the judges of the superior courts, but are commonly people of considerable standing in their own communities. The justice of the peace is an ancient English official belonging to the county; the police or stipendiary magistrate appeared at a much later time in the growing metropolis of London. The latter is a salaried official; the former is not. The jurisdiction of the latter is commonly limited to a town or city, while that of the former is general in the province. The purpose of these inferior courts is to deal cheaply and quickly with minor disputes and offences. Those which lie beyond their competence, they must refer to higher jurisdictions. Magistrates in cities and towns with a population over 2,500 have the widest jurisdiction. They can try claims for debt up to $100 and may deal with more serious criminal cases if the accused consents. Other magistrates have a more restricted authority, which equals that of two justices of the peace sitting together, and a single justice of the peace has the least of all.

District Courts, composed of judges appointed by the Dominion government, are not modelled after any ancient courts, but are provincial creations. The province is divided into judicial districts and each has its District Court. District

Courts hear appeals from the inferior courts and also have a considerable original jurisdiction. They can try all but the most serious criminal cases if the accused consents, in which event he has the advantage of a speedy trial but cannot have a jury. The civil jurisdiction of the District Courts covers all cases not involving over $600. These courts also serve as Probate Courts, which are separate courts in some places outside Alberta, having jurisdiction over property left by deceased persons. If there is a will directing what shall be done with the property, it must be produced in court to be proven genuine and legal. This is what is called probating a will, from the Latin *probare,* to prove. If the will names no executor or if there is no will at all, the court appoints an administrator and makes what orders are necessary, according to the rules laid down by the law, for the management and disposition of the property. For probating wills and administering estates, the province pays the District Court judges, but for their other duties they receive salaries from the Dominion.

The Supreme Court is patterned somewhat after the British model. It has two divisions, the Trial Division with a chief justice and five puisne judges, and the Appellate Division with a chief Justice and four puisne judges. The Trial Division can grant divorces and hear all criminal and civil cases with which the lower courts cannot deal. It holds sittings in the various judicial divisions of the province. The Appellate Division hears only appeals from the Trial Division or the other courts of the province, and sits only in the larger centres of population. The jurisdiction of the Supreme Court is not limited like that of the other courts, but appeals from its decisions may be taken to the Supreme Court of Canada or directly to the Privy Council without going to Ottawa at all. The last right is the result of Canada's federal constitution in which the provinces are a continuation of the old colonies from which an appeal lay to the Privy Council.

How the Courts Work.

The procedure in Canadian courts has been borrowed, with modifications from the English courts. In civil cases, or those in which a person thinks that he has a legal claim against another for redress, the plaintiff explains his case in a document known as a statement of claim which he files in the office of the court. A copy is delivered to the defendant, who makes and files a corresponding document called the

defence. The case is then brought before the court in a pleading to make clear the grounds of both claim and defence, whereupon it is set down for trial in its turn. When the day comes and the case is called in court, the plaintiff, or more commonly his lawyer, opens the case with an argument in favour of the claim. He then calls and examines what witnesses he has secured to support his case. The defendant, or his lawyer, may now cross-examine these witnesses to destroy or offset the value of their earlier testimony, and may produce his own witnesses for examination by himself and then cross-examination by the plaintiff or his counsel. When this is all over, the two sides sum up their arguments. Then the judge may reserve judgment, that is, postpone his decision till he has further studied the case, or he may deliver judgment at once. For some civil cases, juries are called to decide whether damage has been suffered, and if so how much, but their verdict is only a decision of disputed facts and never a determination or interpretation of what is the law, for that function belongs solely to the judge. If the jury fail to agree, they are discharged and the case is re-tried with a new jury. Whichever side loses the case may appeal to a higher court if the amount involved is over a certain sum.

In criminal cases, the procedure is somewhat different. 1. When any one believes that another has committed an offence against the law, he may lay an information and complaint under oath before a justice of the peace or a magistrate, and is then known as the complainant. 2. The justice of the peace, or magistrate, may then issue a summons, if the case is a minor one, to the accused to appear before him on a certain day. 3. If the case is serious, he issues a warrant to a constable or policeman to arrest the accused and produce him in court. A summons must be obeyed or it will be followed immediately by a warrant. 3. When the accused appears, the justice of the peace, or magistrate, hears the complainant's evidence and that of any witness whom he may produce. 4. The accused has the right to defend himself, to cross-examine witnesses against him and to produce his own witnesses. 4. If he has jurisdiction over the case, the justice of the peace, or magistrate, now condemns or discharges the accused according to the weight of evidence. 4. If he has not authority to try the case, he holds a preliminary hearing in which he gathers all evidence offered on each side. If there is obviously no ground for suspecting the accused, he dismisses him, but if he is not sure of this he remands the accused for trial. 5. Meanwhile the

latter may be released on giving bail, or a bond, to appear in court on a certain day, unless he is charged with such crimes as treason or murder, when he is kept locked up. Every case remanded is reported at once to the Attorney General, whose department examines the evidence to see if it really warrants a trial and orders the charge to be dropped if the evidence is insufficient. When the day for the trial comes, the Attorney General, or his representative, acting for the Crown, submits a written charge against the accused in court. This indictment is read to the prisoner standing in the dock and he is asked to plead guilty or not guilty. Very few plead guilty. If they did there would be no trial, for a trial is simply a means of ascertaining guilt or innocence. If the prisoner does plead guilty, the judge may at once pronounce sentence. It is almost a custom, however, to plead not guilty, which brings on a trial. This is conducted with the aid of a jury only in the Supreme Court, and even there the accused may, under certain circumstances, waive his right to have a jury. A jury is selected in court from a panel, or list, of citizens prepared by the sheriff, and is composed of six men. This number has been continued since the days when settlement in the North-West was very thin and it was difficult to secure a jury of the traditional number of twelve. The counsel for the defence and the counsel for the Crown, the Crown Prosecutor, may challenge, or object to, particular names on the list for specified causes, but as soon as six names have been read out without being challenged, the jury is formed and the trial proceeds. Witnesses for the Crown and then for the defence are examined and cross-examined by the counsel for each side. The prisoner cannot be cross-examined by the Crown Prosecutor unless he has first been examined by his own counsel in his defence. Therefore he often refuses to be examined. After the evidence is all in, the two lawyers sum up their arguments, and then the judge charges the jury, reviewing the evidence and explaining the law. The jury now withdraw to deliberate. When they have reached a decision, they return and deliver their verdict—guilty or not guilty. If the jury cannot agree, another jury is called later. Frequently the jury return a verdict of guilty, but add a recommendation of mercy because of extenuating circumstances. When the jury has finished, the judge pronounces sentence. With certain limitations corresponding to those in civil matters, criminal cases can be appealed, but, as noticed in the first chapter, the Privy Council will entertain no criminal appeal though it has the right to do so. The right of pardon

or remission of penalties imposed by the courts is divided. The Lieutenant-Governor, on the advice of the Attorney-General, may remit penalties prescribed by the authority of the provincial legislature. All other penalties are remitted only by the Governor-General acting on the advice of the Dominion Minister of Justice.

REVENUE AND EXPENDITURE OF THE PROVINCE.

The revenue of the provincial government comes from various sources. When Canada was federated, the old colonies handed over all right to levy customs and excise duties. In return, the Dominion government undertook to make to each province a yearly grant for the support of government. This payment is calculated upon the population. At the same time, the debts of the uniting colonies were merged and assumed by Canada. But there was a danger of injustice here, for some of the provinces had smaller debts than others in proportion to their population. Therefore the principle was adopted of making extra payments to those who turned over a lighter debt. This is known as the debt allowance. As Alberta had no debt at all when it was made a province, the Dominion bound itself to pay a little more than $400,000 a year under this head. In addition to the above, this province, in common with Saskatchewan and Manitoba, receives a further substantial payment. All the other provinces possessed their crown lands when they became part of the Dominion, and therefore were able to derive revenues from them, but the federal government kept the crown lands of the prairie provinces until 1930, and, as compensation, paid them a yearly allowance which, like the grant for the support of government, was calculated upon the population. On surrendering the natural resources to the prairie provinces, the Dominion undertook to continue these payments for a while as further compensation for having held them so long. The payments based on population are readjusted after the census, which is held every five years. All the above revenue received from Ottawa is known as the Dominion subsidy, and may be spent by the province as it wishes. There are also various Dominion payments for specific purposes. In every township surveyed in the province, certain sections were set apart for the support of schools. From time to time, the federal government sold some of these lands at public auction and invested the proceeds in interest-bearing securities. The interest was paid annually to the prov-

ince and had to be spent upon schools. This endowment for schools, of course, was handed over with the natural resources. The Canadian government pays to the province miscellaneous sums each year for the assistance of agriculture, technical education, and public health. During the year 1932, the Dominion paid to the province a subsidy of $1,743,159 in addition to various small allowances.

In the early days after Federation, there was a general belief that the moneys paid by the Dominion to the provinces would meet practically all their expenses. But those days are long past. Public opinion pressed more and more duties on provincial governments, and therefore they have had to levy more and more taxes themselves. Under The Liquor Control Act, the sale of liquor is a monopoly of the provincial government, and no one can purchase liquor without a permit. This Act produces a very considerable revenue. Land is also taxed through the municipalities which have to turn over to the provincial government a small amount of the money that they raise along with taxes for local government purposes. Another profitable tax is the sale of licenses for motor vehicles. In addition to these, there is a tax on the inheritance of property, the succession duties; a tax on the sale of gasoline; the amusement tax; various taxes on companies, the most important of which is that on insurance companies; and various other taxes, many of them in the nature of fees. In the year 1932 a provincial income tax was imposed to provide additional revenues for the treasury.

The total expenditures of the province for the year 1932 were $18,645,481, of which $2,601,078 was for education; $3,541,929 was for public health and welfare, grants to institutions and old age pensions; and $1,523,461 was for the encouragement of agriculture; but the greatest item of all was $6,431,817 to meet the charges on the public debt of the province.

Main Items of Provincial Revenue for the fiscal year ending March 31st, 1932:

Gasoline Tax	$1,501,196
Motor Vehicles	1,474,352
Liquor Control Act	1,423,467
Supplementary Revenue	824.376
Succession Duties	258,098
Amusement Tax	200,149
Corporations Tax	698,799

THE PUBLIC UTILITIES COMMISSION.

One striking feature of our modern civilization is the growth of public utilities. As the people often become very dependent upon them, there has been an increasing tendency for government to intervene to protect the people by seeing that these utilities provide efficient service and charge just rates. To this end, the provincial legislature has created the Board of Public Utility Commissioners. In many respects it has the powers of a law court and its three members resemble judges. They are appointed by the provincial government for ten years, but may be re-appointed, and can be dismissed only by the Lieutenant-Governor on address from the Legislative Assembly.

The Board has extensive jurisdiction over the operation of privately owned telephone, railway, street railway, water, gas, heat, light or power systems, and rates charged by them. Of course "railway" here has a very limited meaning, for the province has no authority over railways extending beyond its limits. Municipally owned utilities come under the jurisdiction of the Board only if a by-law is passed for that purpose. The function of the Board may best be explained by example. If a company refuses to extend its system to serve a part of a community which desires it, the matter is examined from all angles by the Board and its decision is binding, or if either the people or the company wish a change in the rates charged, the Board hears all evidence on both sides and then determines what shall be done. A company that refuses to obey the orders of the Board is subject to heavy penalties, running up to $100 a day.

In addition to these duties, the Board supervises municipal finance to a considerable extent. For example, a municipality must secure its consent before it can pass a by-law for borrowing money, and when a municipality fails to meet its financial obligations the Board, on the request of the Minister of Municipal Affairs, or of the local authority, or of the creditors, investigates the financial condition of the municipality and makes what regulations it deems necessary. Finally, the Board administers the law regulating the sale of shares in joint stock companies.

CHAPTER IV.

MUNICIPAL GOVERNMENT.

Municipal self-government is the corner stone of national self-government. Parliament could never have developed in England if those who were its members had not gained experience of self-government in their own localities. Moreover, the growing functions of government of all kinds necessitate a separation of local affairs from general affairs. They cannot be handled together without one or both suffering. Lord Durham found this defect in Canada, pointed it out in his famous report, and it was promptly remedied. Some countries have tried to erect national self-government without placing it upon a foundation of local self-government, and the result has always been unhappy.

KINDS OF MUNICIPALITIES.

There are four kinds of local or municipal governments in Alberta,—cities, towns, villages, and municipal districts. They all derive their authority from the provincial legislature by Charters, or Acts which set out how they are to be governed. The cities, of which there are seven, namely, Edmonton, Wetaskiwin, Red Deer, Calgary, Lethbridge, Medicine Hat and Drumheller, received their powers originally from the old North-West Territories Assembly in separate charters which the provincial legislature has continued and amended. Each is governed by a mayor and council. The mayor is elected for one or two years, according to the terms of the Charter. The council is composed of from six to ten aldermen elected for two years, half of them retiring each year. Because each city has its individual Charter, no two are governed exactly alike, nor have they exactly the same powers; but the differences are small and due to the different desires of the people in each. This variation of government and powers extends to the town of Cardston, which also received a Charter from the North-West Territories Assembly. The other fifty-four towns of the province have no Charters. Their powers and their governments are prescribed by The Town Act. Each has a mayor and six councillors, all elected for two years, half the council retiring each year. The hundred odd villages in the province have been created under The Village Act. Each is governed by a council of three elected for three years, one councillor retir-

ing each year. At their first meeting each year, the councillors elect one of their own number to be their chairman. He used to be known as the reeve, but now has the title of mayor. A community may become a village if it has twenty-five inhabited houses and a village may become a town if it has over seven hundred inhabitants. The change is made by the government. Municipal Districts exist by virtue of The Municipal District Act. Each is governed by a council of six elected for two years, half retiring annually. At their first meeting each year, they elect one of their own number as chairman. He is called a reeve. By these Charters and Acts, all these municipalities become artificial persons or bodies in the eyes of the law. They can own property, sign contracts, sue and be sued just like an ordinary person. In technical language, they are said to be incorporated, from the Latin *corpus*, a body.

ELECTIONS.

In all municipalities, the voters must be twenty-one years old and British subjects. The cities have the widest franchise. It includes all residents. In towns, villages and municipal districts, those who are assessed for local taxes, whether resident or not, and their immediate relatives, if they are residents, have the right to vote. In towns and villages, tenants of assessable property, and their immediate relatives who are resident, are also electors. In this connection "immediate relatives" includes only wife, husband, father, mother, son and daughter. For one particular purpose, however, there is a restricted franchise in all these kinds of municipalities. Money by-laws, that is those for borrowing money that is not to be repaid out of the year's revenue, are voted on only by owners of property. They are called burgesses in cities and towns, and proprietor electors in villages and municipal districts.

The qualifications for election are everywhere greater than those for the vote. No one can be elected as mayor or councillor without being a British subject, twenty-one years old, able to read and write, resident in the municipality, and liable to pay taxes either for a business or as the owner of property. Further qualifications vary. In each city candidates for office must possess property worth a certain amount, for example $500 in Edmonton, or be liable for a business tax as great as would be paid in for the minimum property requirement. In towns the property requirement is $100, but there is no minimum set for villages and municipal districts. No judge, sheriff, bailiff,

gaoler, nor anyone who is a paid official or has any business contract with the council can be elected.

Candidates are nominated at a special meeting of the electors, or voters, held for the purpose, in cities on the dates prescribed by their Charters, in towns and villages on the first Monday in February, and in municipal districts on the third Saturday in February. Every nomination must be in writing and be signed by at least two electors. The nominee must also submit a written statement that he is fully qualified for the office and willing to serve. If there are more nominations than vacancies, there is an election one week after the nomination meeting.

The returning officer, who is appointed by the council, has charge of the election, which is conducted much the same as elections for the Legislative Assembly and the Dominion House of Commons. In cities, towns and municipal districts, for the latter cover larger areas than villages, there are a number of polling divisions presided over by deputy returning officers. The returning officer has no vote except when there is a tie, and then he must vote to decide the election.

HOW MUNICIPAL GOVERNMENT WORKS.

The council of each municipality performs both the legislative and executive functions of the local government, and thus is not the exact counterpart of the House of Commons or the Legislative Assembly. A regular date is fixed by law for the first meeting after the annual elections and the secretary-treasurer, an official shortly to be noted, has to notify each member to be present. Like either House of Parliament or the provincial legislature, the council may decide upon rules and regulations for its own proceedings, within the limits set forth by the law. At any meeting where all members are present, a council may pass a resolution to hold regular meetings on a fixed day and at a stated hour and place. For such meetings, members do not require a notice. Special meetings may be called by a mayor or reeve or three councillors. In a village only two councillors are required to summon such a meeting. A notice is then sent out by the secretary-treasurer naming the time and place of meeting and what business is then to be discussed. No other business may be raised in a special meeting unless all members are present. A council holds its ordinary meetings openly and no person may be excluded except for improper conduct. At no meeting, however, can any business be

transacted unless a majority of the members are present. Decisions are reached by voting upon motions, or amendments, much as in Parliament. The chairman, or mayor, however, is not like a Speaker of the Commons or of Legislative Assembly, for he takes full part in the discussions and votes like any other member. Voting is open and every member present must vote unless he is excused by resolution of the council. If the vote is a tie, the motion is lost. By-laws, so called after the old English word *by,* meaning a township, must pass three readings, but only two readings can be had in one meeting unless there is an unanimous vote to allow three readings during one sitting. When it has passed the third reading, a by-law must be signed by the mayor, or chairman, and the seal of the municipality is then affixed to it. Then it becomes binding upon the people of the municipality like any other law, provided it does not exceed the powers delegated to the council by provincial legislation. Before its third reading, a money by-law must be submitted to the burgesses, or proprietory electors, and must receive the assent of two-thirds of those who vote. or it cannot be passed. This, however, does not apply to villages. There proprietory electors vote on a money by-law after it is passed only if one-quarter of these electors demand a poll.

The mayor, or reeve, is the chief official of the municipality. He represents it on all formal occasions, presides over council meetings and generally supervises the whole business of municipal government. In cities and towns, he is the direct choice of the electorate; in villages and municipal districts, he is a councillor selected by his colleagues. There are other officials who are appointed by the council to assist in the necessary business of government. They are commonly paid officials, and their number varies with the size of the municipality. Every town, village and municipal district must have a secretary-treasurer, who keeps an official record of the proceedings of every council meeting and handles all the official correspondence. He also collects all moneys belonging to the municipality, deposits them in a bank, and draws cheques, countersigned by the mayor or reeve, to pay all accounts against the municipality, of course keeping proper books in which there is a record of every financial transaction. In a city, these two functions are preformed by separate officials,—clerk and a treasurer. Every municipality must have an auditor, who regularly examines and reports upon all books and accounts of the municipality. Any irregularity he must report immediately to the mayor or reeve who must lay the same before the next regular council meeting. There is also in every municipality an assessor, who may be the same man

as the secretary-treasurer in a town, village or municipal district. His duty is annually to assess or fix a value for each piece of property for which taxes may be collected. The council may also appoint such other officers as it deems necessary. Smaller communities, for example, often appoint constables. There is sometimes a town solicitor and always a city solicitor to give legal advice to the local government. Cities have the largest number and variety of officials, such as a health officer, a chief of police, a fire chief, and an engineer, each with special responsibilities to the council, often including the management of a whole department of employees. Sometimes cities appoint one or more commissioners to act with the mayor in supervising special branches of the city's business, such as finance, police and health.

POWERS OF MUNICIPAL COUNCILS.

The legislative authority of municipal councils varies according to the type of the community. Municipal districts have some powers which cities do not possess, and cities have authority which municipal districts lack. This is because their needs are different. A municipal district may borrow money to provide resident proprietor owners with seed grain or fodder that they are unable to procure for themselves, taking their notes in payment, but no city wants such authority. On the other hand, street railways are required in cities, but not in municipal districts. Broadly speaking, however, the legislative competence of all municipal councils is much the same.

All councils may pass by-laws for the control and repair of public streets and lanes. Indeed, municipalities must keep them in repair or be liable for damages. All may enact by-laws dealing with such matters as the following: the expropriation of property necessary for the interest of the community, the price being fixed by arbitration if that offered is not accepted; the maintenance of public order and morality; the inspection of weights and measures; cruelty to animals: the safety of persons and property; the regulation of traffic; dogs and other domestic animals running at large; the prevention of fires; public health; cemeteries; water supply; and poor relief. The council may issue licenses to auctioneers, pedlars, pool rooms, bowling alleys, theatres and other shows, but cannot raise a revenue thereby more than is necessary for the administration of regulations for such businesses; may make grants to hospitals or maintain hospitals; may borrow money to meet local needs, which vary from drainage ditches to municipal water works and power

plants; may impose penalties for infractions of by-laws, fines not to exceed $100 and costs, and imprisonment up to 30 days for non-payment of fines.

The powers of taxation enjoyed by municipal councils are considerable. They may tax all trades, businesses or professions carried on within the limits of the municipality. In municipal districts and villages, the tax must be calculated upon the floor space occupied, but in towns and cities it may also be based upon the rental value of the occupied premises. According to the nature of the trade, business or profession, the law of the province fixes an upper limit to the amount that may be demanded for each square foot.

The general tax is levied on property which may or may not include improvements. When the council, having examined all its financial needs for the coming year, decides how much money must be raised, it divides this amount by the total value of the assessed property. The result is the fraction of a dollar which must be raised for each dollar's worth of property. This fraction is then multiplied by one thousand to express the rate in mills, a mill being worth a tenth of a cent. A tax rate of 25 mills, for example, would therefore mean a tax of 2½ cents for every dollar of the assessed value of a particular piece of property. In cities, towns and villages, there is also provision for a frontage tax, that is, so much for each foot along the front of any piece of property which has particularly benefited by local improvements, such as sidewalks, pavements, sewers and water pipes. Sometimes personal property may be taxed also. Once a tax is imposed on any individual, he is immediately in debt to the municipality to that amount, and the municipality may recover it as any other debt. For arrears of taxes, the municipality may seize and sell property. If the sale brings more than the total arrears, the surplus is turned over to the individual who has lost the property.

Individuals are protected against having to pay unjust taxes by a few simple regulations governing the assessment. Before the annual tax rate is struck, an assessment roll is prepared. This is an account of each parcel of land with its assessed value, and the assessed value of improvements if they are taxed, and the name and address of the owner, and also the names of all who conduct a taxable trade, business or profession, with the amounts for which they are assessed. Every person named on the roll receives a notice telling him the amount for which he is assessed. The assessment roll is also open for in-

spection, and any one may complain that he is assessed for too much or others for too little. These complaints are heard by the council or city commissioners sitting as a revision court. From its judgment an appeal lies to the Alberta Assessment Commission whose decision is final.

Finally, it should be observed that the municipalities do not exercise all the above powers of legislation and taxation independently. As explained in the last chapter, the Board of Public Utility Commissioners has a wide jurisdiction over the raising and repayment of loans, and other financial matters including contracts with and the control of privately owned public utilities. Moreover, the provincial Minister of Municipal Affairs has considerable authority to see that the various municipal governments of the province are properly conducted. The books of a municipality may be examined at any time by an inspector of the department, and each secretary-treasurer reports periodically to the department. No municipal district or village by-law imposing penalties for breaches of local legislation has any validity until it has been submitted to and sanctioned by the Minister. He has power to veto the appointment of a secretary-treasurer who he considers unworthy of the responsibility attached to the office, and under certain circumstances he may appoint councillors and otherwise intervene in the management of a municipal government.

CHAPTER V.

THE EDUCATIONAL SYSTEM OF ALBERTA.

Democracy can exist only where there is an intelligent electorate. Therefore the government of a democratic country requires the people to pay for and to send their children to a general school system. At the same time, a democratic society, anxious that all may have equal opportunities, demands that the government provide such a system of education. Because a system means uniformity and Canada's population, divided between French and English, Roman Catholic and Protestant, is not uniform, the Dominion could not undertake such a responsibility. Therefore it was left to the provinces by section 93 of the British North America Act. To prevent any province dealing harshly with a minority within its borders, the same section placed certain restrictions upon the provinces. No province can injure a right enjoyed by a Protestant or Roman Catholic minority at the time it became a province of the Dominion. In any province which had separate schools at the time it became a province, or has created them afterwards, an aggrieved minority may appeal to the Governor-General-in-Council against any act or decision of any provincial authority. If an injustice appears to have been done, the Governor-General-in-Council may require the province to remove it. If the province refuses, the Dominion Parliament may pass the legislation necessary to protect the minority in its just rights.

The educational system of Alberta is an inheritance from the North-West Territories, the government of which gradually acquired from the Dominion some of the rights of a province. In 1884, the legislature of the North-West Territories passed the first School Ordinance, and in twelve months there were sixty-five applications for the organization of school districts. The system grew, and was modified by further ordinances until in 1901 it took its final form under the old regime. In that year, the government of the North-West Territories created a regular Department of Education, and enacted that in any school district already established a Protestant or Roman Catholic minority might organize a separate school district. In 1905, when Alberta and Saskatchewan became provinces, the one department of education became two departments, and the laws governing the old educational system now applied to the two new systems. Subsequent provincial legislation has amended these laws and developed the present school system.

Thus Alberta is one of the four provinces that have separate schools, for Ontario and Quebec were the only other provinces which had them when they became part of the Dominion. The right to have separate schools, however, does not mean complete independence for a religious minority. Separate schools are in most ways exactly like public schools. They are subject to the same general laws of the province and regulations of the department; they receive the same grants from the provincial government and are also supported by local taxes; they secure their teachers from the same Normal Schools and are supervised by the same inspectors. The only difference is that a religious minority in any public school district may have its own school under a different board of trustees and the local taxes for education are divided, all those paid by the religious minority being handed to the separate school board and the rest going to the public school board. In 1933 there were nineteen separate schools, one Protestant and eighteen Roman Catholic.

LEGISLATIVE CONTROL

The whole system of education, from the kindergarten to the university, is organized, regulated and supported by a series of provincial Acts. Its most striking feature is the co-operation of central and local authorities.

The Department of Education Act, which replaces the ordinance of the North-West Territories, provides for a Department of Education presided over by a Minister and a Deputy Minister assisted by such technical and administrative officials as are necessary, and gives the department extensive powers over all schools supported by public funds, except the Schools of Agriculture, which are under the Minister of Agriculture, and the University of Alberta, which has a separate board of governors. In addition to controlling the educational system of the province, including institutions for training teachers, the department provides for the instruction of the deaf, mute and blind. In the absence of provincial institutions for such unfortunates, the department sends them to existing institutions in other parts of Canada at the public expense.

The School Act provides for the organization of school districts, each with an elected board of trustees responsible for the schools within the district. These boards resemble municipal councils, except that their legislative function is very much less. They constitute the local authorities who co-operate with the central authority, the department, in providing educational facilities for the people.

The School Attendance Act requires all children between seven and fifteen years of age to attend school regularly. It, however, does not apply to children receiving efficient instruction at home or elsewhere, or children kept away by sickness or other unavoidable cause. The law is enforced by penalties imposed on parents or guardians. The penalties are fines running up to $50 and imprisonment up to ten days in default of payment of the fine.

Three Acts provide for the financial support of the schools. *The School Assessment Act* authorizes and requires each school board to levy a general tax in the school district. *The Education Tax Act* levies a tax on all lands not included in a school district and therefore not taxed by a school board. *The School Grants Act* provides for payments by the provincial government to the various school boards to supplement the moneys which they raise locally. These payments depend upon the schools conforming to the standards set by the department and vary according to certain rules laid down in the Act. Generally speaking, they are calculated upon the number of days during which a board keeps its school open. Districts which are poorer receive more in proportion, and those which offer higher instruction are also given additional sums.

ADMINISTRATIVE CONTROL.

Under the authority of the above legislation, the Minister has considerable powers to issue regulations for the proper conduct of the educational system of the province. Usually he exercises these powers on the advice of the various officials of the department, but the general responsibility rests upon him. Several things determined by the department are uniform over the whole province. One is the curriculum. Though it is impossible for many school boards to provide instruction in all grades and subjects, the department is ever on the alert to see that the utmost possible is done. The department also is responsible for the teachers of the province being properly qualified. Provincial Normal Schools in Calgary, Camrose and Edmonton provide for their professional training. They are all graded according to their qualifications and experience, and no school board can be held liable for the payment of salary to a teacher who does not hold a valid certificate from the department. Schools boards cannot issue debentures to borrow money to erect or enlarge schools or build teachers' houses without the consent of the Board of Public Utility Commissioners, and all

plans for such buildings must be submitted to and approved by the department. School boards and teachers also receive uniform regulations for the proper management and conduct of schools.

The control over the far-flung schools of the province is made effective by a staff of inspectors. They are the eyes, ears and mouth of the department. They devote their whole time to visiting the schools and supervising their conduct. They see that the work is properly organized and that the teaching is efficient. They direct the promotion of pupils from grade to grade, and they give the teachers encouragement and advice as they deem necessary. They also inspect the school buildings to see that they are properly equipped, constructed and maintained; and they consult with the trustees whenever necessary. They report to the local and the central authorities, and are the link between them. Practically every school is inspected once a year, while some schools may receive two visits in the same period. The inspectors also visit the private schools in the province to see that they, like the public and separate schools, are up to the standard required.

LOCAL CONTROL.

The inhabited portion of the province is divided into school districts, on the action of either the inhabitants or of the Minister. There are six kinds of districts: town, village, rural, consolidated, and rural high school, and separate school. The first includes cities; the third is normally four miles square; the fourth is an amalgamation of several rural districts covering between thirty and eighty square miles; the fifth is a combination of several districts, which still continue to exist separately, for the purpose of providing a rural high school.

Each district has a school board of its own. A rural or village district has three trustees; a town district has five trustees unless it covers a city, when the number is fixed by the city's charter. A consolidated school district has one trustee for each district in the consolidation, unless one of these is a town district, for each of which there must be two trustees. If this calculation produces an even number, another member is added. A similar rule applies to rural high school districts.

The elections of rural and village school boards are held every year before February 20, at an annual meeting of the electors and ratepayers held for the general discussion of the affairs of the district. One trustee is elected each year for a

period of three years. The voting is by secret ballot. Trustees in town districts are elected for two years at the same time and in the same manner as the mayor and council. As nearly as possible, half retire each year. If there is a separate school district, the electorate is divided into separate school supporters and public school supporters. Trustees must be electors, twenty-one years old, British subjects, and able to read and write.

Each school board is incorporated like a municipal council. It is responsible for providing and maintaining such schools as are necessary. A consolidated school district provides for the conveyance of pupils who live more than a mile and a half from the school, unless all live within two miles and a half of the school. A school board may provide a house for the teacher. To get money for building, a school board may raise loans by debentures, like a municipal council, but it must secure the consent of the Board of Utility Commissioners and, with certain exceptions, of the proprietory electors. These debentures are sold either directly or through the department. Each board is also responsible for engaging and paying a teacher or teachers. The engagement must be made by a contract approved by the department. Each board makes an estimate of its expenses for the ensuing year, calculates about what will be received from the provincial government, and thereby finds what it will be necessary to raise locally. In rural, village and consolidated school districts, this money is raised by a special assessment and tax rate struck upon it, much the same as municipal taxes are raised. An exception to this rule is found in municipal districts, which are known as collecting municipalities. Here the rural school board requisitions the necessary money as does a town school board, which is explained below. In rural high school districts, the board calls upon the different public school districts comprised in the larger district to provide the necessary funds in proportion to their total assessment. In town districts, the board notifies the town or city council of the money that it needs, and the council strikes a rate upon the general assessment and collects the school tax along with the municipal tax. Where there is a separate school district, there are two rates struck, one for public school supporters and one for separate school supporters.

Each board elects its own chairman and appoints a secretary and a treasurer, or a secretary-treasurer, whose duties correspond to those of the similar officials of municipal councils.

THE UNIVERSITY OF ALBERTA.

Like most provinces of Canada and states to the south of the border, the province has its university, the University of Alberta, located in Edmonton, the capital. Opened in 1908 with an enrolment of forty-five students and a staff of five, it had a registration of over nineteen hundred in the session of 1932-33; a full-time staff of ninety-nine and a part time staff of ninety-one.

The university was created and is governed by *The University Act*. The business management of the institution, including the appointment of the staff, is in the hands of a board of governors nominated by and responsible to the government. The educational work is controlled by the senate, a body composed partly of *ex-officio* members and partly of members elected by the graduates of this and other universities, by members of the teaching staff and by residents of the province who are engaged in the various learned professions.

The university is divided, according to the nature of the instruction given, into the Faculties of Arts and Sciences, Applied Science, Medicine, Law, and Agriculture, and the Schools of Pharmacy, Accountancy and Nursing. Dentistry is taught under the Medical Faculty. The members of the staff divide their time between teaching and research. The university also has an Extension Department which seeks to bring the university to the people by means of travelling lectures, libraries and pictures, and a radio broadcasting station installed in 1927.

The university grounds cover six hundred acres, four hundred of which are devoted to the work of the Faculty of Agriculture. One of the best hospitals in the province belongs to the university, and is situated on the grounds, where it is convenient for clinical instruction in medicine. The university library contained about 48,000 volumes in 1933.

PROVINCIAL AGRICULTURAL SCHOOLS.

Agricultural Schools, maintained by the provincial government at Olds and Vermilion provide an opportunity for young farm people to secure a thorough practical and scientific training in the various branches of farming and home making. Instruction is free, and emphasis is laid on work in animal husbandry, field husbandry, farm mechanics, agricultural chemistry, physics and bacteriology, farm management, and book-keeping. The courses in English and mathematics are

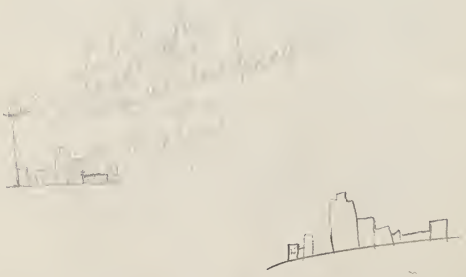
designed to bring the graduates of the schools to an academic standard which will enable them to compete with those who have had greater educational advantages.

The courses in the department of home economics include cooking, sewing, dietetics, home nursing and household administration.

A diploma at the conclusion of the two-year term enables the student to enter the degree courses in agriculture or household economics at the University.

THE PROVINCIAL INSTITUTE OF TECHNOLOGY AND ART.

Overlooking Calgary stands the Provincial Institute of Technology and Art, which is conducted by the department. It gives instruction in mechanical, electrical, steam and tractor engineering, motor and farm mechanics, drafting, telegraphy, dressmaking and millinery and other technical subjects. In addition to the ordinary day classes, there are evening classes where those already employed in industry may acquire a valuable training that will advance them in their work. The institute also conducts teaching by correspondence. During the session 1931-32, there were 638 day students, 208 evening students and 180 correspondence students, the total enrolment being considerably less than in the years of industrial activity. As time goes on, the industrial life of this province will expand, and with it will grow the work of this institute.



The Judiciary

1. Superior Courts

(a) Justices of the Peace

(b) Magistrates,

Institutes of Judicial and Legal

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Burt, Alfred LeRoy,1888-1971
High school civics :

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